

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Alter earth bank and erect retaining wall to west boundary (retrospective), (revised scheme).

LOCATION: A Jaumais, Rue Des Corneilles, Castel.

APPLICANT: Mrs C O'Sullivan

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 03/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 21-1358-P2/WD/08.

Application Ref: FULL/2023/0963

Property Ref: D013030000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the

Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

3.The entire temporary fence and meshing along the western boundary shall be removed from the site within 18 months of the date of the decision of this application.

Reason - In the interests of visual amenity and due to the temporary nature of the fence/meshing.

Expiry Date: This permission will cease to have effect on 02/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0963
Property Ref: D013030000
Valid date: 22/05/2023
Location: A Jaumais Rue Des Corneilles Castel Guernsey GY5 7PP
Proposal: Alter earth bank and erect retaining wall to west boundary (retrospective), (revised scheme).

Applicant: Mrs C O'Sullivan

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

3. The entire temporary fence and meshing along the western boundary shall be removed from the site within 18 months of the date of the decision of this application.

Reason - In the interests of visual amenity and due to the temporary nature of the fence/meshing.

OFFICER'S REPORT

Site Description:

The property known as 'A Jaumais' is a 1970's bungalow which had a large extension added in 2012. The dwelling is located in the southwest corner of a large square site. The domestic curtilage is limited to the south-west corner of the site and driveway, the land to the east and north comprises agricultural land. Along the east boundary of the site is the road, Rue des Corneilles, along the north and west boundaries are public footpaths, Sous la Lande, with La Guet pine forest beyond to the west, and to the south is an open field. The property is located Outside of the Centres as defined in the Island Development Plan.

Despite the scattered built environment to the north, east and south of the application site, the surrounding area has a relatively undeveloped, open and rural nature, particularly when considering the footpath to the west, which contributes to the landscape character and amenity of the area.

The works which form the subject of this application have been undertaken at the site and, in particular it is noted that alterations have been made to the west boundary, including the erection of temporary fencing and planting of hedging on both sides of the fence.

Relevant History:

FULL/2022/2083 - Reconstruct existing pillars and erect gates to vehicle access (part retrospective) – Approved January 2023.

FULL/2022/1931 - Remove hedge to east of property, erect walls to west and east of property, erect outbuilding/pool house, erect shed (retrospective). Erect pool plant, install air source heat pump and resurface section of driveway – Approved February 2023.

FULL/2022/1043 - Remove earthbank and hedges (retrospective). Erect single storey outbuilding/pool house, erect fence to north and west boundary – Refused August 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to alter an existing earthbank and erect a retaining wall to support the earthbank along the west boundary. At the top of the earthbank a temporary fence has been installed with plenty of hedge planting on either side. The fence will remain in place until one side of the hedging has reached 2m.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- Below is a positive advance on previous planning applications and is welcome.
"The existing hedgerow/ planting along Sous La Lande currently consists of a combination of hedgerows, earth banks, trees and loose stone/ granite walls. Our client proposes to plant a native mixture of Hawthorn, Field Maple, Blackthorn and Elderflower to ensure that the boarder interface remains natural and pleasing to users of the adjacent footpath."
- The public path "green lane" is not a high volume route of walkers, and consequently has little effect on perceived privacy of the applicant. Temporary screening depicted appears to have a simulated "vegetation" appearance, but this usually appears on only one side of the screening material (the "garden" side?), leaving the reverse as black plastic woven matting - and visible from the green lane, and therefore not enhancing the "green lane" feel in any way.
- Moreover, the retention of screening until the hedgerow has matured to 2 metres is quite arbitrary and undefinable. What if the hedge is periodically cut at a height of 1.6 metres? A previously submitted suggestion was that, if allowed, it be limited to a time period, probable 18 months from time of first planning application in which it was included.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The retaining wall is considered to be a practical solution to ensure the earthbank is contained and safe. The wall is a maximum of 1.1m high, which is not considered to impact on the character of the area.

The timber fence which was refused has been removed and the temporary fence has been installed, which now that a lot of native hedging has been planted, appears less intrusive in the landscape. Once the planting becomes established the area will return to the natural green footpath that has been in existence for many years. A condition will be added to ensure the fence is removed 18 months from the decision date of the application as the planting should have matured to a reasonable height by this time.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 02/08/2023

