

**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:** Remove and replant hedge to north boundary.

**LOCATION:** Oakfield, 41 York Way, Fort George, St. Peter Port.

**APPLICANT:** Ms A Barnett

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:** 04/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** 1:1250 scaled annotated location plan & 1:500 scaled annotated block plan (both date stamped received 26/06/2023)

**Application Ref:** FULL/2023/1158

**Property Ref:** A41110A041

**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 shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.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.

4.Prior to the removal of the existing hedge, precise details of the replacement hedge to be planted in the area marked on the approved block layout plan, including the size, density of planting and spacing of plants shall be submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

Reason - To make sure that the appearance of the completed development is satisfactory.

5.The replacement hedge shall be planted in accordance with the details agreed under the terms of condition 4, in the first planting season following the removal of the existing hedge. Any plants planted which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To make sure that the appearance of the completed development is satisfactory.

**Expiry Date: This permission will cease to have effect on 03/08/2026 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](http://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](mailto: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/2023/1158  
**Property Ref:** A41110A041  
**Valid date:** 26/06/2023  
**Location:** Oakfield 41 York Way Fort George Fort George St. Peter Port  
Guernsey GY1 2SY  
**Proposal:** Remove and replant hedge to north boundary.  
  
**Applicant:** Ms A Barnett

**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 shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. 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.

4. Prior to the removal of the existing hedge, precise details of the replacement hedge to be planted in the area marked on the approved block layout plan, including the size, density of planting and spacing of plants shall be submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

Reason - To make sure that the appearance of the completed development is satisfactory.

5. The replacement hedge shall be planted in accordance with the details agreed under the terms of condition 4, in the first planting season following the removal of the existing hedge. Any plants planted which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To make sure that the appearance of the completed development is satisfactory.

---

## **OFFICER'S REPORT**

### **Brief Description of the site:**

The application site comprises a detached property situated to the south of York Way. The site is situated Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to remove and replant a hedge to the north boundary.

### **Relevant History:**

|                |                                                                                                                                                                                                                                                                                    |                       |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| FULL/2022/1889 | Remove and replant hedge to west boundary.                                                                                                                                                                                                                                         | Granted<br>28/10/2022 |
| FULL/2022/0202 | Remove and replace hedge to east boundary.                                                                                                                                                                                                                                         | Granted<br>01/04/2022 |
| FULL/2021/1032 | Erect double garage and store to north-east boundary.                                                                                                                                                                                                                              | Granted<br>29/06/2021 |
| FULL/2020/1206 | Extend porch to east (front) elevation, extend pitched roof over existing flat roof and erect balcony to west (rear) elevation. Erect external steps, extend existing balcony and raised patio, install external insulating render and green wall and alterations to fenestration. | Granted<br>16/09/2020 |

|                |                                        |                       |
|----------------|----------------------------------------|-----------------------|
| FULL/2017/2941 | Remove existing and plant new hedging. | Granted<br>16/01/2018 |
|----------------|----------------------------------------|-----------------------|

**Existing Use(s):**

Residential – Use Class 1

**Assessment:** *(Tick as appropriate)*

no representation



accords with policy



within curtilage



design acceptable



visual amenity acceptable



no material neighbour impact



traffic not affected



**Policies considered most relevant:**

GP8: Design

GP9: Sustainable development

GP13: Householder development

**Conclusion/Brief comment:**

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.

The application is acceptable in relation to the above policies and other material planning considerations.

**Recommendation:**

Grant with Conditions



**Date:** 04/08/2023

