

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: Variations to plans previously approved to demolish dwelling and outbuildings, erect replacement dwelling, widen vehicular access and erect gated access and earthbank to agricultural field - create covered walkway at lower ground floor level (Retrospective).

LOCATION: Hylton, Le Frie Baton Road, St. Saviour.

APPLICANT: Mr E J M Holland

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: 19/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 19-1070 PD/07B, PD/08 & PD/09

Application Ref: FULL/2023/1287

Property Ref: E010280000

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.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 26/05/2020, issued under planning application reference FULL/2020/0390, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

Expiry Date: This permission will cease to have effect on 18/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 4, this permission confers no consent for any other works shown on the approved plans, which have not previously received separate planning consent. In particular, no consent is conferred for any works on the agricultural land, including the laying of granite boulders.

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/2023/1287
Property Ref: E010280000
Valid date: 04/08/2023
Location: Hylton Le Frie Baton Road St. Saviour Guernsey GY7 9PG
Proposal: Variations to plans previously approved to demolish dwelling and outbuildings, erect replacement dwelling, widen vehicular access and erect gated access and earthbank to agricultural field - create covered walkway at lower ground floor level (Retrospective).

Applicant: Mr E J M Holland

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 26/05/2020, issued under planning application reference FULL/2020/0390, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

INFORMATIVES

In respect of Condition 4, this permission confers no consent for any other works shown on the approved plans, which have not previously received separate planning consent. In particular, no consent is conferred for any works on the agricultural land, including the laying of granite boulders.

OFFICER'S REPORT

Brief Description of the site:

Hylton, Le Frie Baton Road formerly comprised a detached single storey hipped roof dwelling with single-storey extensions to the rear. Following grant of permission, the dwelling has however been demolished and work has commenced on the construction of a replacement dwelling.

The domestic curtilage of the site is limited to the south-west, previously divided from the agricultural land within the same ownership to the north and east by substantial hedging. The property is set on the periphery of a further area of open and undeveloped agricultural land to the north and east. Residential development exists to the south of the site, running along Rue du Pre Bourdon, and Le Frie Baton Road is situated to the west, characterised by a mix of open land and residential properties.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/0390 Demolish dwelling and outbuildings, erect replacement dwelling, widen vehicular access and erect gated access and earthbank to agricultural field.
Approved 26/05/2020

FULL/2022/2211 Variations to plans previously approved to demolish dwelling and outbuildings, erect replacement dwelling, widen vehicular access and erect gated access and earthbank to agricultural field - change in materials to roof, cladding and render, omit balcony to east and west elevations, alterations to chimneys, rooflights and fenestration. Approved 09/03/2023

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Representation:

Two letters of representation received raising the following points:

- The development appears to have cut access to the agricultural land off, and hard landscaping has been introduced in that area, reducing the ability to use the land for agriculture, notwithstanding the location within an Agriculture Priority Area. It is therefore queried whether a change of use should be applied for, enabling biodiversity net gain to be considered;
- No detail provided regarding how the bank has been produced or the species of hedging to be placed on top, or of the trees shown in the field on the western boundary.

Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

The application is made in retrospect to vary the previously approved plans through the creation of a, predominantly subterranean, covered walkway encircling the building at lower ground floor level. The air source heat pump indicated on the plans is located within the walkway and would not require planning permission.

The proposed alteration would not result in any adverse impacts on the character or visual amenity of the area, or on neighbour amenity, and would remain within the terms of planning policy. The representations made do not relate to the variation proposed under the current application.

A detailed landscaping scheme for the site has been submitted separately as a discharge of condition of the original permission for development of the site under reference FULL/2020/0390. There is no need to require submission of additional details under the current application, which does not have a bearing on the proposed landscaping.

The submitted plans show works outside of the domestic curtilage, including the laying of large granite boulders, which do not form part of the current application. No consent would be conferred for those works as part of any decision issued under this application. It is noted that operations have occurred on the agricultural land, without the benefit of planning permission, however this is being addressed under separate cover.

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.

Recommendation:

Grant with Conditions



Date: 11/09/2023

