

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: Erect fence to north-west and north-east of agricultural land and remove a section of earthbank (Retrospective).

LOCATION: Les Menages, Rue Des Menages, St Peters.

APPLICANT: Mr & Mrs I Beattie

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: 19/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:500 scaled Block Plan (date stamped received 21/09/2023), annotated photograph (date stamped received 05/10/2023) & and plan entitled ""T Junction Plan"" (date stamped received 13/02/2024)

Application Ref: FULL/2023/1633

Property Ref: F014720000+F014730000+F014740000

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.

Expiry Date: This permission will cease to have effect on 19/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

The application site as identified and outlined in red on the block layout plan that forms part of this application includes the domestic property presently known as Les Manages, the associated garden area and surrounding agricultural land. For the avoidance of any doubt, the land recognised as domestic curtilage associated with the property is identified in the grant of planning permission reference FULL/2020/0045 and on the drawings that formed part of that application.

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/2023/1633
Property Ref: F014720000+F014730000+F014740000
Valid date: 05/10/2023
Location: Les Menages Rue Des Menages St Peters Guernsey GY7 9AR
Proposal: Erect fence to north-west and north-east of agricultural land and remove a section of earthbank (Retrospective).

Applicant: Mr & Mrs I Beattie

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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

The application site as identified and outlined in red on the block layout plan that forms part of this application includes the domestic property presently known as Les

Manages, the associated garden area and surrounding agricultural land. For the avoidance of any doubt, the land recognised as domestic curtilage associated with the property is identified in the grant of planning permission reference FULL/2020/0045 and on the drawings that formed part of that application.

OFFICER'S REPORT

Site Description:

The application site comprises a large traditional granite farm house with an attached barn, a lean-to glasshouse/conservatory and detached domestic outbuildings. The property is located within a large plot of land, the majority of which is recognised as agricultural land. The whole of the property and land are located within an Agricultural Priority Area.

The dwelling and the immediately surrounding land is located within a Conservation Area, but the large field to the east of the property, under the same ownership, is located outside of the Conservation Area. The site is Outside of the Centres.

Relevant History:

FULL/2024/0577	Erect walls, earthbank, balustrade and hardstanding to south-east of property	Pending consideration
FULL/2022/2102	Demolish existing glasshouse, erect single storey glasshouse extension to west (front) elevation.	Granted 14/12/2022
FULL/2022/1733	Erect single storey extension, excavate, erect retaining wall and external steps to east (rear) elevation.	Granted 18/11/2022
FULL/2020/1831	Reposition earthbank, erect and alter walls and excavate to create paved area to south of outbuilding.	Granted 26/10/2020
FULL/2020/0045	Change of use of agricultural land to domestic garden (retrospective).	Granted 20/05/2020
FULL/2019/1206	Demolish lean to conservatory, erect flat roof extension to south elevation.	Granted 06/09/2019

Existing Use(s):

Residential

Brief Description of Development:

As initially submitted, planning permission was sought for retrospective permission to erect a fence along two boundaries of agricultural land. Following representations

received on the application and a visit to the site, it was evident that a small section of earthbank had also been removed from the site along part of the southern boundary.

The applicant was deferred to seek additional information. The applicant subsequently requested that the application includes reference to and seeks permission to regularise to the removal of the section of earthbank.

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

Island Development Plan Policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas;
GP1: Landscape Character;
GP4: Conservation Areas;
GP8: Design;

Representations:

Two letters of representation objecting to the scheme have been received from a local advocate acting on behalf of the owners of a single neighbouring property and one separate letter of objection from a Guernsey resident. The grounds for objection are summarised as follows:

- The application form states that the applicants have the landowners consent to make the application, furthermore the application form states that no buildings or structures (including walls) are to be (or were) demolished;
- A small proportion of the southern end of the earthbank where the fencing has been erected is owned by the occupiers of La Croute, who have not given permission for this and have requested that it be removed;
- A section of the earthbank (not in the applicants ownership) was removed to erect the fencing. This alone constitutes development and should require planning permission;
- The owners of La Croute have requested that the section of earthbank removed is reinstated;
- It is requested that no permission is granted for the section of fencing that lies on the land that the applicants do not own;
- The application lacks information, has the fence replaced anything and why is it needed;
- Metal fencing should not be allowed in rural areas and more natural divisions could be made by planting a species rich hedgerow or creating a Guernsey bank.

Consultations:

None

Summary of Issues:

- Principle of the development;
- Impact on the visual and landscape character of the surrounding area; and
- Impact on neighbours.

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 set out in 2 below.

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

Whilst a justification for the fencing has been provided which states that the fencing will not be directly in relation to an existing commercially active farmstead or agricultural holding, Policy OC5 of the IDP states that *“Proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan”*.

The relevant policies in this instance are GP1 in relation to Landscape Character and Open Land, GP4 in relation to an impact on the Conservation Area and GP8 in terms of design and impact on neighbouring properties.

When considering the impact of the development on the landscape character and visual appearance of the surrounding area, it is worth noting that Class 6(1) of the Land Planning and Development (Exemptions) Ordinance, 2023 allows the erection of a post and wire fence up to a height of 1.2m from ground level without the need for planning permission. Although the fencing exceeds this by circa 450mm (and therefore requires planning permission) the Exemptions accept the principle of post and wire fencing (such as that installed) being used in an agricultural/rural setting.

Two sections of post and wire fencing have been erected. The first section runs from west to east and separates a parcel of land (also in the applicant's ownership) used to access the agricultural fields to the rear (east of the site). Although this section of the fencing can be seen from Rue Des Menages to the west, the type of fencing installed is acceptable in an agricultural setting and does not obstruct views of the landscaping and established trees along this boundary. It is considered to have a negligible impact on the landscape character and openness of the area, especially as a large part of the fencing will be sufficiently setback from the road and therefore will not be highly visible in public views, or in the Conservation Area.

The second section of fencing has been installed from the northeast corner of the site along the full extent of the east boundary to a point where it joins the south boundary. This section of fencing will be unseen from public vantage points within

the surrounding area and again will be set in context with the landscaping and established trees in the background. This section of fencing would not have a visual effect or detrimental impact on the landscape character or openness of the surrounding area, or the character and appearance of the Conservation Area.

Although the removal of the section of earthbank is regrettable, in this instance the extent of earthbank removed is limited and situated to the rear of the property and not visible in any public vantage points within the surrounding area, would not harm the landscape character or openness of the surrounding area, or impact on the visual character and appearance of the Conservation Area.

The comments from the representor regarding land ownership and their request for a small part of the fencing to be removed and the earthbank to be reinstated (which they consider to be on their land) are noted. However, the grant of planning permission does not override or prejudice any legal rights or constraints which exist in relation to the application site. The applicant has confirmed that he has the written consent of the owner to make the application and any issues regarding land ownership disputes are a civil matter that would need to be resolved through the courts. It is recommended that an informative is included on any permission to advise the applicant of this.

Both sections of the fencing and the removal of the earthbank do not cause any harm on the amenities of any nearby residential properties and accords with Policy GP8.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings, or sites.

Date: 17/04/2024

