

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 earthbank to west of property, install oil tank to south boundary. Relocate agricultural field access and alter existing agricultural vehicle access to gated pedestrian access to west boundary (retrospective).

LOCATION: Inchfad, Route Des Bas Courtils, St. Saviour.

APPLICANT: FGR Property Limited

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: 02/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 5888/R/1a

Application Ref: FULL/2023/2038

Property Ref: E000060000

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.Full details of the proposed hedge (including the species, size and density of plants at the time of planting) to be planted in the position shown on the approved drawing (ref: 5888/R/1a), shall be submitted to and approved in writing by the Authority within 4 weeks of the grant of this permission.

Reason - To make sure that an appropriate boundary is secured to demarcate the domestic garden area from the remaining agricultural land and to help assimilate the development into its surroundings.

5.The proposed hedge shall be planted, in accordance with the details agreed under the terms of condition 4 of this permission, by 31/03/2025, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that an appropriate boundary is secured to demarcate the domestic garden area from the remaining agricultural land and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 01/01/2027 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/2023/2038
Property Ref: E000060000
Valid date: 08/11/2023
Location: Inchfad Route Des Bas Courtils St. Saviour Guernsey GY7 9UD
Proposal: Remove earthbank to west of property, install oil tank to south boundary. Relocate agricultural field access and alter existing agricultural vehicle access to gated pedestrian access to west boundary (retrospective).

Applicant: FGR Property Limited

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. Full details of the proposed hedge (including the species, size and density of plants at the time of planting) to be planted in the position shown on the approved drawing (ref: 5888/R/1a), shall be submitted to and approved in writing by the Authority within 4 weeks of the grant of this permission.

Reason - To make sure that an appropriate boundary is secured to demarcate the domestic garden area from the remaining agricultural land and to help assimilate the development into its surroundings.

5. The proposed hedge shall be planted, in accordance with the details agreed under the terms of condition 4 of this permission, by 31/03/2025, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that an appropriate boundary is secured to demarcate the domestic garden area from the remaining agricultural land and to help assimilate the development into its surroundings.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The site is situated to the north of Route des Bas Courtils, to the west of Ruelle Des Houguets and to the east of Rue Des Longs Beaux. The site previously occupied a bungalow which has since been demolished and cleared from the site. A residential unit has recently been constructed at the site following the grant of retrospective permission Ref: FULL/2019/1429. A subsequent application was granted (FULL/2020/0736) to demolish the existing outbuildings and to erect a garage and link to the north elevation of the dwelling. An application for a variation to the permission to include a box dormer to the rear of the garage was approved in 2021 (ref: FULL/2021/0375).

The site is situated Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan. Situated to the rear of the site is Le Mont Chinchon mound, which is a protected monument.

Relevant History:

FULL/2021/0375	Variation to plans previously approved to demolish outbuildings and erect garage and link to north elevation of dwelling – install box dormer to (north), rear elevation of the garage	Granted 09/06/2021
FULL/2020/0736	Demolish outbuildings and erect garage and link to north elevation of dwelling (protected monument).	Granted 06/07/2020
FULL/2020/0001	Variations to plans previously approved to demolish dwelling and section of outbuildings (retrospective) and erect new dwelling - Omit chimneys, alterations to front and rear dormer windows, install rooflight, extend and alter porch and alterations to fenestration.	Granted 12/03/2020
FULL/2019/1429	Demolish dwelling and section of outbuildings(Retrospective) and erect new dwelling (Protected Monument)	Granted 12/09/2019
FULL/2019/1217	Demolish outbuilding and erect garage and link extension.	Withdrawn 17/07/2019
FULL/2019/0210	Demolish existing extensions and section of outbuilding. Raise roof ridge height. Erect 1.5 storey pitched roof and single storey flat roof extension to west (side) and north (rear) elevation and erect porch to south (front) elevation. Install external insulation and alterations to fenestration. Clad outbuilding.	Granted 29/03/2019

Existing Use(s):

Residential – Property and garden area;
Agriculture – remaining land.

Brief Description of Development:

Retrospective planning permission is sought to remove an existing earthbank to the west of the property, to install an oil tank to the south boundary, to relocate an agricultural field access, alter an existing agricultural vehicle access to a gated pedestrian access to the west boundary.

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

Island Development Plan Policies:

- GP1: Landscape Character and Open Land;
- GP6: Protected Monuments;
- GP8: Design;

- GP9: Sustainable development;
- GP13: Householder Development;

Representations:

One letter of representation was received by email dated 17/11/2023, from a representative from La Societe Guernesiaise. The comments raised were as follows:

“In respect of this property, we are disappointed over the progressive ‘gentrification’ of this former agricultural landscape and the expansion of amenity and non-native plantings of hedging and trees into the countryside, for example towards the Villiaze Road junction and down the Route Des Longs Bos Lane.

In considering the earthbank on the west side of the dwelling, we would suggest that a traditional earthbank is more appropriate in this setting as such banks are extensively used in the vicinity. A bank would also provide better screening of the rather exposed new dwelling from both the main Route Des Bas Courtils road and Route Des Longs Bos lane.

If the landowner wished to further plant native hedging on the reinstated bank, we would consider this to be appropriate.”

Consultations:

None

Summary of Issues:

- Whether the design and appearance of the development is in-keeping with the landscape character and visual appearance of the surrounding area;
- The impact of the development on the amenity of people living in the area; and
- The impact of the development on highway safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Following the recent implementation of the relevant permissions to construct the residential dwelling and associated works, discrepancies between the approved plans and what remains/has been built on the site exist. These discrepancies relate to:

- The removal of an earthbank shown to the west of the main dwelling originally required to demarcate the residential curtilage from the remainder of the agricultural land;
- The closure of an agricultural access point to the southwest corner of the site onto with a pedestrian gate;
- The closure of an existing agricultural access point by constructing a new section of earthbank in the northwest corner of the site;
- The removal of a section of earthbank in the north boundary of the site, to create a new 2.7m wide agricultural access point into the northern boundary;
- Three structures (storage containers) in the northeast corner of the domestic curtilage which should have been removed from the site; and
- The construction of an oil tank to the front of the property.

This application intends to regularise the current situation on site and is assessed in detail below.

Policy GP1 of the Island Development Plan (IDP) requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

Policy GP13 of the IDP is generally supportive of proposals for domestic extensions, alterations and other such householder development where: there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and, they do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In addition to the design requirements of Policy GP13, Policy GP8 requires new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The comments from La Societe Guernesiaise have been noted, however the earthbank was required to be retained to demarcate the residential curtilage from the remainder of the agricultural land that surrounds. Although the removal of the earthbank is regrettable, it is considered that appropriate planting (which can be controlled by condition) would form an appropriate boundary enclosure that would help to screen the development and help it to assimilate into its surroundings. It will also act as a natural form of demarcation (a more natural form than a fence or wall) for the domestic curtilage which would be in-keeping with the rural character of the surrounding area and the extensive planting around the boundary of the site.

The enclosure of the existing agricultural access in the southwest corner of the site with the continuation of the earthbank and planting and a small pedestrian access

gate (required to maintain access to an interceptor for maintenance purposes) is a reasonable aspiration of the property owner and improves the character of the area. This aspect of the proposal also improves highway safety by enclosing an access point which was situated onto the mouth of a crossroad junction.

The closure of the agricultural access in the northwest corner of the site with an earthbank is supported and the width of the new opening formed along this boundary has been kept to a minimum and will ensure that access to the agricultural land is maintained and that the land remains connected to surrounding agricultural land to enable it to be used as such moving forward.

The covering letter states that two of the structures to the north within the residential curtilage have been removed and that one remains and will be removed once building works are completed on site. However, it was evident during the site visit that all structures have been removed from the site in accordance with the requirements of the original permission.

The oil tank situated to the front of the site has been appropriately screened using hedging to match the remainder of the roadside boundary.

The development would not harm the setting or impact on the special interest of the protected monument in any way and accords with Policy GP6 of the IDP.

For the above reasons the development would not harm the character or appearance of the surrounding area or harm the openness or landscape character. The development therefore accords with policies GP1 and GP8 in this respect.

The property is situated in an isolated location with the nearest neighbouring building situated circa 45m to the west on the opposite side of Rue des Longs Beaux. The development would therefore not harm the residential amenity of any nearby residential properties regarding loss of privacy, overshadowing or loss of daylight. The proposal accords with Policies GP8, GP9 and GP13 in this respect.

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.

It is recommended that the application is approved subject to a condition requiring full details of the planting (type, density and heights) as shown on the approved drawing proposed to demarcate the residential curtilage of the property.

Date: 28/12/2023

