

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 section of hedge and erect fence to west boundary.

LOCATION: Marston, Rue Des Pointes Rocques, St. Sampson.

APPLICANT: Mr S Gardner

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: 16/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, photographs and fence details ('V' Arched)

Application Ref: FULL/2024/0664

Property Ref: B00702D000

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).

Expiry Date: This permission will cease to have effect on 16/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The hedge may be used by nesting birds or other wildlife. It is recommended that the hedge is removed outside of the main bird breeding season (March-July inclusive). If the removal of the hedge during the main bird breeding season is essential, it is recommended that the hedge is inspected for current or recent use by birds and other wildlife by a suitably qualified person prior to removal to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. For further advice or to arrange a site visit please contact La Société Guernesiaise. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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/2024/0664
Property Ref: B00702D000
Valid date: 10/04/2024
Location: Marston Rue Des Pointes Rocques St. Sampson Guernsey
GY2 4HL
Proposal: Remove section of hedge and erect fence to west boundary.
Applicant: Mr S Gardner

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).

INFORMATIVES

The hedge may be used by nesting birds or other wildlife. It is recommended that the hedge is removed outside of the main bird breeding season (March-July inclusive). If the removal of the hedge during the main bird breeding season is essential, it is recommended that the hedge is inspected for current or recent use by birds and other wildlife by a suitably qualified person prior to removal to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. For further advice or to arrange a site visit please contact La Société Guernesiaise. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

OFFICER’S REPORT

Brief Description:

The application relates to the removal of a section of hedge to the west site boundary, between the rear gardens of Marston and the neighbouring residential development and the erection of a timber fence in its place. The hedge forms the boundary between the rear garden of Marston and the parking area of the adjoining development of flats.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/2516 - Remove section of hedge and erect fence to south and west boundaries – granted

Existing Use(s):

01 Residential

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
GP13: Householder development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (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: 16/04/2024



