

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 earthbank on agricultural land.

LOCATION: La Piece Du Coudre (East), Rue Du Coudre, St. Pierre Du Bois.

APPLICANT: Mr S De La Mare

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: 07/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and hand drawn section to scale (both dated 20/06/24).

Application Ref: FULL/2024/1106

Property Ref: F008290000

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 new earthbank shall be constructed in full accordance with the guidance contained on page 3 of Conservation Advice Note 3 - Earth Banks in Guernsey.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 07/08/2027 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/2024/1106
Property Ref: F008290000
Valid date: 03/07/2024
Location: La Piece Du Coudre (East) Rue Du Coudre St. Pierre Du Bois
Guernsey
Proposal: Erect earthbank on agricultural land.
Applicant: Mr S De La Mare

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.

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Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

The site is a parcel of land located southwest of Rue du Coudre. The northern half of the land is predominantly level and then it begins sloping away to the south. There are other agricultural fields surrounding the site and the whole area is within an Agriculture Priority Area. The site is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

A pre-application was submitted.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to erect an earthbank across the middle of the field, retaining the existing access track to the north east roadside boundary.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas (APA)

GP1: Landscape Character and Open Land

GP8: Design

Representations:

There has been one letter of representation received and the issues are;

- *There never was a bank of any sort in this field until the applicant created an artificial screen.*
- *This screen has become overgrown and weed covered as old silage bales used are falling apart, detrimentally impacting on the visual appearance of the land.*

- Numerous vehicles have used the newly created track down to the lower part of the field. It is unclear what the lower part of the field is now being used for, but the photographs included with the application do show construction work of sorts, vehicles and use for goods storage.
- The argument about protection from wind is unjustified as the prevailing wind comes from the south west i.e. up the field. The slope on the field gives natural protection from any easterly winds.
- It should be questioned why this screen is so necessary to the applicant.
- The creation of a bank would certainly be incongruous with the surrounding fields and likely to have little positive environmental impact.

Consultations: None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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 as set out in 2 below.

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

Policy OC5(A) states that within Agriculture Priority Areas there will be support for proposals which are not related to a farmstead or existing agricultural holding provided that they accord with all the other relevant policies of the Island Development Plan.

The earthbank has been indicated as necessary to offer protection for crops to be grown on the site, although these would not be in connection with a commercial agricultural/horticultural operation. Nonetheless, the earthbank would not undermine the use of the land, within the APA for agricultural purposes be that arable or livestock and would be ancillary and incidental to the principal use.

Earthbanks are a common feature of the island, although generally used to define field boundaries, the construction of an earthbank within the centre of the site would respect the landscape character and not result in the loss of a specific, distinctive feature. Furthermore, the development would not alter the visual appearance of the area of open and undeveloped land, and would comply with Policy GP1.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 31/07/2024