

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: Install hardstanding laid on agricultural land (Retrospective).

LOCATION: Bas Sejour, Ruelle De Fries, Castel.

APPLICANT: Ms K Seznec

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: 19/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Location Plan, Block plan & A4 information sheet

Application Ref: FULL/2024/1298

Property Ref: D013190000

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 19/09/2027 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/2024/1298
Property Ref: D013190000
Valid date: 06/08/2024
Location: Bas Sejour Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Install hardstanding laid on agricultural land (Retrospective).

Applicant: Ms K Seznec

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.

OFFICER'S REPORT

Site Description:

The site known as 'Bas Sejour' is an agricultural field south of Ruelle des Cherfs, there are agricultural fields to the east and west and a high granite wall along the south boundary. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

This is a retrospective application to install a farm track along the southern end of the field close to the wall. The track is made from Terram T0000 Geotextile laid over topsoil with recycled stone laid on top.

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

GP1 Landscape Character and Open Land
GP8 Design

Representations:

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

'The circumstances of this work is questionable, but please take full note of the fact that this property (portion of field unit) is immediately bordered on both sides by property known as Le Gardinet, or stated to be under common ownership of that property.

This application provides evidence that for the work undertaken is such that planning permission/approval is necessary. Significant work has occurred on land attributed to Le Gardinet all without permission, and has been the subject of continuing complaint to the Authority, and continues to await proper action by the Authority to restore it to its natural state of unadulterated agricultural land.

Regarding this application re Bas Sejour, in addition to the works applied for, there has been a significant repositioning of soil around the area of works in order to provide a consistent and continuous artificial surface at a raised level, so affecting natural run-off and drainage to the degree that the lane Ruelle des Cherfs at the northern boundary becomes excessively flooded at times, with no provision for the dispersal for that accumulated water.

It would be considered highly improper to approve this application in view of the detrimental effect resulting from these land changes, and also to consider approval while there remains such gross violation of the regulations by and of the neighbouring properties requiring remedial enforcement actions.'

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.

From the aerial photos it can be seen that there has always been access to and from the adjacent fields at the southern end of this field. Laying the track close to the wall ensures that the rest of the field can still be used for grazing (as it is used at present) or for other agricultural purposes.

This development is not necessarily permanent and could be reversed at any time.

The addition of the track close to the wall is not considered to have any detrimental impacts on the character and appearance of the surrounding landscape character, nor will it have any adverse effects on neighbour amenity.

The main issue within the letter of representation was that the raised track at the southern end of the 115m long field effected the water run-off at the northern end of the field by way of flooding. There is a few metre difference between either end of the field, but it is a very gradual slope and it is unlikely that the alterations to the southern end of the field would impact the northern end as significantly as stated.

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: 17/09/2024