

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 earthbank to east boundary (Retrospective).

LOCATION: Primrose, 4 Le Ruisseau Close, Skins Lane, St. Peter Port.

APPLICANT: Mr R Gallie

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: 19/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, Annotated photograph and Guernsey Gardens Ltd quote.

Application Ref: FULL/2024/1585

Property Ref: A20879A004

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 planting proposed to the eastern boundary of the site (as described in the Guernsey Gardens quote) shall be fully completed in the first planting season after the approval date, 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 trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the agreed landscaping scheme for the development is completed, in the interests of neighbour amenity.

Expiry Date: This permission will cease to have effect on 19/12/2027 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/2024/1585
Property Ref: A20879A004
Valid date: 02/10/2024
Location: Primrose 4 Le Ruisseau Close Skins Lane St. Peter Port
Guernsey GY1 1SB
Proposal: Remove section of earthbank to east boundary
(Retrospective).

Applicant: Mr R Gallie

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).

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Reason - To make sure that the agreed landscaping scheme for the development is completed, in the interests of neighbour amenity.

OFFICER'S REPORT

Site Description:

The property known as 'Primrose, No.4 Le Ruisseau Close' is a mid-terrace (one of five) two storey dwelling which faces east, the attached neighbours are to the north and south and the clos road stops before the northern property with a footpath running along the eastern façade of the properties giving pedestrian access to each of the properties. Beyond the footpath each property has a small front garden. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

A previous pre-application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

Remove a section of earthbank to east boundary (Retrospective).

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

GP8: Design

GP13: Householder Development

Representations:

There have been three letters of representation and the issues are:

- I object to the hedging been taken down. The area looks very untidy and because it's all open we have to walk past it every day, what has been left is all over grown and is very untidy. We also have at the back an alley way where a tree fell down and he refused to move it so house number 5 and 6 have no access to back gardens from the back.
- The area that included the bank does not form part property of No.4 Le Ruisseau Close.
- The bank formed the edge of the neighbours property and their land butted up to and was supported by the bank and being higher than the land of No.4 is now unsupported and is and will become increasingly unstable.
- The deeds to both properties are now incorrect as they state that the neighbours land goes up to the base of the bank.
- The removal of the bank destabilized the neighbours fence, causing it in falling down. It had previously been able to withstand all the winter weather could throw it including Ciaran.
- The replacement of the fence will need additional support to stabilize it which will incur additional expense because the bank is not there to provide its support.
- At no time did the owners of No.4 Le Ruisseau Close inform the neighbours that they wished to remove the bank thereby denied them the opportunity to raise any concerns and considerations before the work to remove the bank was done.
- And being that the bank formed the barrier between the properties the neighbours have an equal "right" to claim the area.
- The cost of stabilizing the area and reinstating and stabilizing the fence should not fall to the neighbours as these problems and subsequent costs are the direct result of the actions undertaken by the owners of No.4 Le Ruisseau Close.
- The owners of No.4 Le Ruisseau Close have a huge lack of respect for their neighbours and community in general, removing the earthbank which was known not to belong to the property, which has now undermined the neighbours fence.
- The earthbank which was removed was 3ft x 3ft x 12ft and not just 2ft high as stated.

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 outset it was apparent that the removed earthbank was outside of the ownership of No.4 Le Ruisseau Close. However, the applicant said he thought he owned it and carried on with the removal. The application form initially stated that the land was within the applicants ownership, but it has now been changed and now states that the owner of no.4 has made all reasonable enquiries to identify the owner and obtain consent.

From the letters of representation neighbours have since insisted that the owner did know the land was outside of his ownership, but this is a civil matter and not one that the Planning Authority can get involved in. The planning service must simply assess whether or not the removal of the earthbank falls within the relevant policies.

Due to the issues with the neighbours fence the removal of the earthbank was considered to impact on neighbour amenity and that a new boundary should be provided between the properties.

The applicant has since sent in a quote from Guernsey Gardens to plant 39 new hedge plants in the area, which when grown will form a good boundary between the neighbours, which will reinforce the local character and contribute to biodiversity. This will be conditioned.

In this instance replacing the earthbank with 39 hedge plants, is considered to be appropriate and acceptable in planning terms as the land will not be utilised by the owners of No.4 Le Ruisseau Close, and a new boundary will be established.

The new proposal to plant the 39 plants will not have any impacts on the character and appearance of the surrounding area, nor will they have any adverse effects on neighbour amenity as the hedge will provide the privacy that removing the earthbank (and subsequent fence panels) compromised.

After careful consideration and now the hedge plants have been introduced to the application the recommendation is one of an approval.

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: 18/12/2024