

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 retaining wall on agricultural land (retrospective).

LOCATION: Land at Le Gardinet, Ruelle Des Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 15/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2444 03.01, 03.02, 03.03A, 03.04A & 03.05

Application Ref: FULL/2024/1732

Property Ref: D013150000+D014310000

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 timber fence panel cladding shall be installed within 3 months of the date of this decision.

Reason - In the interests of visual amenity.

5.Within 3 months of the date of this decision a landscaping scheme noting the species, sizes at the time of planting, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and biodiversity.

6.The landscaping scheme shall be fully completed, in accordance with drawing number 2444/03.05 and as updated by the details agreed under the terms of the above condition 5, in the first planting season following the installation of the timber cladding, or in accordance with a programme previously agreed in writing by the Authority. Any trees or 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 - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 15/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, no permission is sought nor conferred for the tractor store or the temporary stables which are the subject of separate planning applications.

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/2024/1732
Property Ref: D013150000+D014310000
Valid date: 29/10/2024
Location: Land at Le Gardinet Ruelle Des Fries Castel Guernsey
GY5 7PW
Proposal: Erect retaining wall on agricultural land (retrospective).
Applicant: Mr & Mrs J Regnard

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. The timber fence panel cladding shall be installed within 3 months of the date of this decision.

Reason - In the interests of visual amenity.

5. Within 3 months of the date of this decision a landscaping scheme noting the species, sizes at the time of planting, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and biodiversity.

6. The landscaping scheme shall be fully completed, in accordance with drawing number 2444/03.05 and as updated by the details agreed under the terms of the above condition 5, in the first planting season following the installation of the timber cladding, or in accordance with a programme previously agreed in writing by the Authority. Any trees or 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 - In the interests of visual amenity and biodiversity.

INFORMATIVES

For the avoidance of doubt, no permission is sought nor conferred for the tractor store or the temporary stables which are the subject of separate planning applications.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to erect a retaining wall clad with 1.2m high timber fencing along a 37m section of the south boundary of an agricultural field. The works are partially retrospective with the blockwork retaining wall having been constructed. The application also includes a planting scheme on top of the bank to the rear (south) of the retaining wall.

The site consists of an area of agricultural land comprising of a series of agricultural fields with an agricultural building to the east of the site and an agricultural building along the south boundary. The site is situated within an Agriculture Priority Area and is Outside of the Centres.

Under the same ownership to the west is a traditional farmhouse and outbuildings of varying age including stable blocks. The farmhouse and an outbuilding is a protected building.

Relevant History:

FULL/2024/1740 – Application pending to install hardstanding to create agricultural tracks to south and east of site (retrospective).

FULL/2024/1045 – Application pending to erect temporary stables to south boundary (retrospective) (revised scheme).

FULL/2024/0983 – Application pending to demolish existing agricultural building, erect replacement agricultural building/store to south boundary.

28/08/2024 - FULL/2024/1047 - Application refused to erect gates to agricultural field to north (roadside) and internal field boundary to east and west of site (retrospective).

24/11/2023 – FULL/2023/1439 – Application refused to erect 2 stables to east of site for a temporary period.

Existing Use(s):

Agriculture use class 28

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Conclusion/Brief comment:

The agent advises that the wall replaces an older wall that had collapsed. The existing unauthorised rendered block work wall is not sympathetic to the rural character of its setting. The proposal to install timber fence panel cladding to the wall would not entirely respect the rural character of the area but it would at least introduce a natural material which would reduce the visual impact of the retaining wall. Together with the distance of the wall from public view points which would further reduce its prominence and visual impact, the proposed retaining wall finished with timber fence panel cladding is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP1 and GP8.

An area of trees and shrubs have been cleared around and to the rear (south) of the retaining wall. The proposed planting to the top of the bank would partially mitigate the loss of this planting.

Due to the distance to the protected building to the west, the proposal would have no adverse effects on the setting of the protected building.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 13/01/2025