

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 hedge and erect sleeper wall to south boundary.

LOCATION: Smithfield, Houmet Lane, Vale.

APPLICANT: Mr M Tacon

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: 15/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company: 2024 / 643 / 01

Application Ref: FULL/2024/1758

Property Ref: C02586A000

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.Within 2 months of the removal of the existing hedge, the replacement sleeper wall hereby approved shall be constructed in accordance with drawing no. 2024/643/01.

Reason - to ensure the replacement wall is completed in a timely manner and to demarcate the boundary of the site.

5.For the avoidance of doubt, the existing stone pillar to the front (east) of the site shall remain in situ.

Reason - to clearly define the permission and to avoid any ambiguity.

Expiry Date: This permission will cease to have effect on 15/11/2027 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/2024/1758
Property Ref: C02586A000
Valid date: 22/10/2024
Location: Smithfield Houmet Lane Vale Guernsey GY6 8JJ
Proposal: Remove hedge and erect sleeper wall to south boundary.

Applicant: Mr M Tacon

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 - 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. Within 2 months of the removal of the existing hedge, the replacement sleeper wall hereby approved shall be constructed in accordance with drawing no. 2024/643/01.

Reason - to ensure the replacement wall is completed in a timely manner and to demarcate the boundary of the site.

5. For the avoidance of doubt, the existing stone pillar to the front (east) of the site shall remain in situ.

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OFFICER'S REPORT

Brief Description of the site:

The application relates to the removal of a boundary hedge and erecting a replacement 900mm high timber sleeper wall. The boundary in question fronts onto a private road.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PREA/2015/2893 – remove hedge and erect 0.9m high wall to southern boundary – pre-application enquiry.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation

☐

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Representations:

The Authority has received a letter of representation from one party in support of the proposal.

Policies considered most relevant:

GP8 Design
GP9 Sustainable development
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.

Whilst the replacement sleeper wall is different to other boundary treatments in the vicinity, the Island Development Plan enables sufficient scope with regards to householder design. In this regard, the replacement sleeper wall will be 900mm high, and comprised of timber. The proposal will adopt a similar appearance to a low timber fence.

The application is acceptable in relation to the above policies and other material planning considerations.

Appropriate conditions should be attached to the decision to ensure that the replacement sleeper wall is carried out in a reasonable timeframe, and to ensure the granite pillar to the front of the site is retained in the interests of visual amenity and to respect the character of the area.

Recommendation:

Grant with Conditions



Date: 15/11/24

