

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 earth bank to widen vehicle access and erect gates to west (roadside) boundary.

LOCATION: La Petite Hure, Val Au Bourg, St. Martin.

APPLICANT: Mr & Mrs Whitman

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: 06/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+ Limited: 072-5-5004.

Application Ref: FULL/2024/2007

Property Ref: J011330000

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 vehicular access being widened, the earthbank shall be made good to match as closely as possible to the roadside boundary treatment, in accordance with the approved details.

Reason - in the interests of visual amenity and to respect the landscape character.

Expiry Date: This permission will cease to have effect on 05/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as La Petite Hure.

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/2024/2007
Property Ref: J011330000
Valid date: 03/12/2024
Location: La Petite Hure Val Au Bourg St. Martin Guernsey GY4 6EP
Proposal: Remove section of earth bank to widen vehicle access and erect gates to west (roadside) boundary.

Applicant: Mr & Mrs Whitman

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. Within 2 months of the vehicular access being widened, the earthbank shall be made good to match as closely as possible to the roadside boundary treatment, in accordance with the approved details.

Reason - in the interests of visual amenity and to respect the landscape character.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as La Petite Hure.

OFFICER'S REPORT

Site Description:

The property known as 'La Petite Hure' is a mid-twentieth century bungalow, which sits in the middle of the plot.

Val au Bourg lane comes down from the north, and winds around the west and south of the property, forming the roadside boundary. The vehicular access lies to the north-west of the site.

The land falls in a north-south direction. The neighbouring dwelling to the north (some 50 metres away) is at a slightly higher level, with neighbouring properties to the south and west at a lower level.

The agricultural field to the east of the dwelling also falls under the same ownership.

The dwelling is located Outside of the Centres as defined in the Island Development Plan. The agricultural field to the east lies within an Agriculture Priority Area.

Relevant History:

FULL/2020/2368	Raise roof ridge height and extend and alter at ground floor level and create 1st floor accommodation, install field gate and widen vehicular access.	Granted
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Existing Use(s):

Residential use class 1 – dwelling-house
Agriculture use class 28 – field.

Brief Description of Development:

Planning permission was approved in 2021 (FULL/2020/2368) to widen the vehicular access and install a 1.8m high gate to the front of the property, amongst other works.

Planning permission is now sought to renew the permission for the alterations for the proposed vehicular access only.

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

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Boundary issues.

Consultations:

None.

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- The impact on highway safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

Consideration of the proposed alterations to the vehicular access was set out as part of application FULL/2020/2368.

The design remains unchanged since the previous application, and there has been no change in planning policy to result in a different decision. A condition regarding the making good of the boundary treatment within a reasonable timeframe should be attached to the decision in the interests of visual amenity and landscape character.

On this basis, the proposal will not have a significant detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents, and therefore complies with Policy.

In response to other points raised in the representation, boundary issues are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 25/02/25

