

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 wall, erect roadside boundary wall and alter vehicle access.

LOCATION: Mulberry Cottage, Les Queritez, Castel.

APPLICANT: Mr & Mrs Jehan

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: 27/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture: 2419/01.01A.

Application Ref: FULL/2024/2078

Property Ref: D011120000

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 replacement wall hereby approved shall be constructed using materials and a method of construction which match the existing boundary wall as indicated in view 02 on drawing 2419/01.01A within 3 months of the removal of the existing wall.

Reason - In the interests of visual amenity.

5.Full details of the hedge, including the species, numbers and/or planting densities and the size of plants at the time of planting, to be planted inside the new east wall shall be submitted to and approved in writing by the Authority. The hedge shall then be planted in accordance with the approved details in the first planting season following the completion of the replacement boundary wall. 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 plants of a size and species similar to those originally required to be planted.

Reason - To ensure that an appropriate replacement hedge is planted in a timely fashion in the interests of the landscape character of the locality and biodiversity.

Expiry Date: This permission will cease to have effect on 27/01/2028 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/2024/2078
Property Ref: D011120000
Valid date: 13/12/2024
Location: Mulberry Cottage Les Queritez Castel Guernsey GY5 7ED
Proposal: Remove hedge and wall, erect roadside boundary wall and alter vehicle access.
Applicant: Mr & Mrs Jehan

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 replacement wall hereby approved shall be constructed using materials and a method of construction which match the existing boundary wall as indicated in view 02 on drawing 2419/01.01A within 3 months of the removal of the existing wall.

Reason - In the interests of visual amenity.

5. Full details of the hedge, including the species, numbers and/or planting densities and the size of plants at the time of planting, to be planted inside the new east wall shall be submitted to and approved in writing by the Authority. The hedge shall then be planted in accordance with the approved details in the first planting season following the completion of the replacement boundary wall. 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 plants of a size and species similar to those originally required to be planted.

Reason - To ensure that an appropriate replacement hedge is planted in a timely fashion in the interests of the landscape character of the locality and biodiversity.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Mulberry Cottage' is a modern detached one and a half storey dwelling which is set back from and faces east on to Les Querites. The closest neighbouring properties are across the road to the east and further away uphill to the south. Downhill to the north are open fields and to the west is also open land. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/0965 - Change of use of agricultural land to domestic garden (1,680sqm), demolish outbuilding and erect 1.5 storey store/outbuilding and widen vehicle access – Approved October 2023.

FULL/2021/2231 - Erect 1.5 storey extension to north (side) elevation, extend existing 1st floor balcony, install rooflight to west (rear) elevation and install rooflight to east (front) elevation – Approved November 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

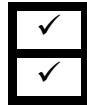
no representation
accords with policy

✓
✓

visual amenity acceptable
no material neighbour impact

✓
✓

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This application is to remove and replace the front boundary hedge and wall, erect a roadside boundary wall and alter the vehicular access.

At present the boundary in front of the property comprises a mixed species hedge growing randomly out of a loose low granite wall. The proposals will remove the existing hedge and wall and rebuild a 900mm high granite wall and plant a new native hedge behind.

The proposals are considered to achieve a good standard of design, which are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 27/01/2025