

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 raised terrace area to east elevation, erect fence to north and south boundaries. Remove section of earth-bank to create vehicle access to east boundary (for temporary period) (retrospective).

LOCATION: Susudel, 11 Rue De La Cache, Castel.

APPLICANT: Mr R Arends

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: 30/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Raised Terrace Area & Privacy Screen photos x7.

Application Ref: FULL/2024/2124

Property Ref: D009380011

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 hereby approved temporary removal of the east boundary earthbank shall cease on or before the 1st July 2025, when the earthbank shall be reinstated in accordance with Conservation Advice Note 3: Earth Banks in Guernsey. CHttpHandler.ashx (gov.gg) and completed within 8 weeks of this date.

Reason - To secure the satisfactory appearance of the completed development and to protect the visual amenity of the area.

Expiry Date: This permission will cease to have effect on 29/04/2028 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/2024/2124
Property Ref: D009380011
Valid date: 31/01/2025
Location: Susudel 11 Rue De La Cache Castel Guernsey GY5 7RD
Proposal: Erect raised terrace area to east elevation, erect fence to north and south boundaries. Remove section of earth-bank to create vehicle access to east boundary (for temporary period) (retrospective).

Applicant: Mr R Arends

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - To secure the satisfactory appearance of the completed development and to protect the visual amenity of the area.

OFFICER'S REPORT

Site Description:

The property known as 'Susudel' is a 1970's detached bungalow which is the middle one of five properties with Rue de la Cache lane to the east and the access road for the five properties and the rest of the estate to the west. The other bungalows are to the north and south and to the east across the lane are open agricultural fields. The land falls away from south to north. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to install fencing to the north and south boundaries, erect a raised terrace to the east elevation, rear of the property, and temporarily remove a section of the east boundary earthbank to allow access for the build. The application states that the earthbank shall be restored by the 1st July 2025.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are;

- Rue de la Cache is a States lane with no footpaths or streetlights, which runs from the Rohais de Haut to Les Varendes; the clos of houses runs parallel to it. The lane is just 8½ feet wide. There are fields adjacent, these have access from the road immediately opposite the householder's rear garden. The fields are worked in spring/summer by a local farmer.
- Rue de la Cache is an active lane, used by pedestrians, cyclists, school children, horses, mopeds, motorbikes, cars, and commercial vehicles. It is near to a large number of family properties at Clos d'Elise, Rue de la Cache clos, houses in the lane, bus routes 41/42, 61 and P2, Les Varendes High School, and a busy developing suburban hub at L'Aumone.
- Rue de la Cache is a two-way lane but is the width of just one car; the increasing size of cars makes traffic a significant safety issue for the public as there is no room to pass or avoid oncoming traffic. The lane is used by vehicles which often exceed the local speed limit and is treated as a 'rat run' on the regular occasions when Rectory Hill, Les Varendes, and Rohais de Haut are closed. It should be noted that States Traffic & Highways Services is always helpful in erecting signage of 15mph when it has been contacted at such times. However, the lane is not subject to a reduced speed limit at any other time, and no speed bumps are in place.
- The bungalows are linked to mains gas. There is no room for error if any collision took place, and the detrimental outcome which could arise, namely death of a pedestrian or driver, or fire from impact.
- Removal of the earth bank has already impacted the character and aesthetic value of what is a traditional rural lane in Guernsey. This is not in keeping with the surrounding area; no other householder in the lane or clos has removed their earth bank. The earth bank continues at intervals throughout the lane, in keeping with Guernsey's typical unique look, and supports local wildflowers, and wildlife living in the earth bank.
- As already stated a significant section of the earth bank has already been removed without permission. Vehicular access would leave a template for other householders to copy, and make the area even more dangerous than it already is.

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.

The raised terrace is pretty close to the neighbours and there would have been the ability to look into the neighbours garden. The application was deferred to request that a privacy screen is added to the wall surrounding the terrace on the north elevation.

The fencing is all considered acceptable and has been staggered in height towards the road, and therefore complies with policy.

The opening in the east boundary, partial removal of the boundary earthbank, is temporary and the supporting information has specified that the earthbank will be restored by the 1st July 2025. A condition will be added to ensure this is the case.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. The terrace extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new terrace extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on either of the immediate neighbours due to the privacy screen.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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

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: 23/04/2025