

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: Raise and alter ground levels, install retaining wall to garden area and install patio area to north-east of site (part-retrospective).

LOCATION: Wyndham Rose, Helston Estate, Rue De La Perruque, Castel.

APPLICANT: Mr & Mrs J Lenfestey

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: 10/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: JL-24-2214-02B & -03.

Application Ref: FULL/2025/0018

Property Ref: D00891B000

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.

Expiry Date: This permission will cease to have effect on 10/02/2028 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/2025/0018
Property Ref: D00891B000
Valid date: 09/01/2025
Location: Wyndham Rose Helston Estate Rue De La Perruque Castel
Guernsey GY5 7NZ
Proposal: Raise and alter ground levels, install retaining wall to garden
area and install patio area to north-east of site (part-
retrospective).
Applicant: Mr & Mrs J Lenfestey

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.

OFFICER'S REPORT

Brief Description of the site:

Wyndham Rose is a detached one and a half-storey dwelling located to the east of Helston Estate. The domestic garden is currently limited to a patio area to the immediate east of the property. Access is gained through the east boundary of the domestic garden of Wyndham Rose to land beyond which contains a shed with block paved surround, domestic glasshouse and raised decking all adjacent to the north site boundary. The south and north boundaries are marked by hedgerow, a wall exists to the west boundary with the neighbouring dwelling, Melbrook.

The application relates to the raising and alterations of ground levels within the garden area of the property, the erection of a retaining wall and the installation of a patio area (previously a raised deck more than 30m from the dwelling) north-east of site. The patio area has been installed and is retrospective.

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

Relevant History:

The land was historically covered in glass however this was cleared between 1979 and 1990. A hedge once divided the site running west-east however this was removed between 2004 and 2006. A shed has been situated on the land since between 2004 and 2006 and a glasshouse since between 2006 and 2009. The raised decking was installed between 2009 and 2013.

FULL/2018/2070 - Change of use of agricultural land to domestic garden.
(Retrospective) - granted

FULL/2018/3078 - Erect shed and greenhouse adjacent to the north boundary along with an area of raised decking and a concrete path to the north east corner of the site. The formation of the concrete path required the removal of a section of hedge along with further hedging along the west and north boundary adjacent to the shed which was replaced with a wall, 2.1m high adjacent to the rear garden of Millbrook and reducing to 1.58m behind the shed at Wyndham Rose. A 1.8m wall was proposed to section of the north and east site boundaries (in connection with surface water runoff to the lower land to the north) - granted

Existing Use(s):

01 dwelling house

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

GP13: Householder Development
GP8: Design
GP9: Sustainable Development

Conclusion/Brief comment:

The development outlined above will not result in harm to the character and appearance of the locality.

The proposals will not result in overshadowing, loss of light or unacceptable loss of privacy to the occupiers of any surrounding dwelling.

The scheme therefore accords with Policies GP8 and GP13 of the Island Development Plan.

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

x

Date: 07/02/2025

