

PRACTICE NOTE 8

SUPPORTING OR OBJECTING TO A PLANNING APPLICATION: MAKING A VALID REPRESENTATION

The purpose of this Practice Note is to give information on the matters that are material (relevant) to planning decisions and those that are not.

Under Guernsey planning and development law, a material planning consideration is something that we must consider when assessing and deciding the outcome of a planning application.

By law, we can only take into account 'material planning considerations' when considering comments made about planning applications. If you are supporting or objecting to a planning application, you need to ensure that your written comments relate to one or more of the material planning considerations listed below.

This note also gives information on what are not material planning considerations and therefore cannot be taken into account in the planning decision making process.

MATERIAL PLANNING CONSIDERATIONS AND THE LAW

Within the terms of the Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances, when determining an application for planning permission or outline permission, the Department must have regard to:

1. The Purposes of the Law
2. Any Development Plan, Subject Plan or Local Planning Brief
3. General Material Considerations
4. Material considerations for protected monuments, buildings and trees

These are the material planning considerations. Further information on the Law as it relates to these material planning considerations is given below. It is important to understand that the material considerations relevant to any particular application will need to be weighed in the final decision process according to their seriousness and relative importance.

MATERIAL PLANNING CONSIDERATIONS IN GUERNSEY

1. The Purposes of the Law

We must have regard to the overarching aims of the Land Planning and Development (Guernsey) Law, 2005: to seek to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey. The purposes of the Law are outlined in Section One of the Land Planning and Development (Guernsey) Law, 2005, which is available on the website www.gov.gg/planning.

2. Development Plan, Subject Plan or Local Planning Brief

We must have regard to any relevant Plan or Local Planning Brief. If determining an application for development that would involve a departure from such a Plan or Local Planning Brief, planning law states that we must refuse the application, although we do have discretion under the Law to consider a minor departure in response to a written request from an applicant.

3. General Material Considerations

We must have regard to:

- The likely effect of the development on the natural beauty and landscape quality of the locality in question
- The character and quality of the natural and built environment which is likely to be created by the development ('quality of the natural and built environment' includes quality in terms of the level of health, safety and security of people in that environment)
- The appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used
- The likely effect of the development on the character and amenity (the attractive or pleasant qualities) of the locality in question
- The likely effect of the development on roads and other infrastructure, traffic and essential services
- The likely effect of the proposed use to which the application site is to be put and the likely effect of any other use to which it could be put without obtaining a further planning permission
- Any planning covenant which would have a material connection with the development
- The likely effect of the development on parks, playing fields and other open spaces
- The likely effect of the development on the reasonable enjoyment of neighbouring properties

4. Material Considerations for protected monuments, buildings and trees

Protected Monuments and Buildings

For development that may affect a protected monument or building or its setting, we must also have regard to preserving the special interest of the protected monument or building. Where any alteration to a protected monument or building is proposed, we must consider the appropriateness and compatibility of that alteration in relation to that monument, and any opportunity to restore, enhance or improve the protected monument or its setting.

Protected Trees

We must have regard to protecting the amenity value and health of the protected tree, any harm which is likely to be caused by the protected tree, and the likely value of any proposals to mitigate any detrimental effect on amenity which is likely to arise from the development.

MATTERS THAT ARE NOT MATERIAL PLANNING CONSIDERATIONS IN GUERNSEY

Matters which are not normally planning considerations and which, therefore, cannot be taken into account when assessing a planning application include:

- Effect on land or property values
- The character or identity of the applicant or objectors
- Boundary or property disputes
- How the application affects a private view (as opposed to the wider effect on public amenity which may include the effect on public views)
- Issues of commercial competition
- The status of property under other legislation (e.g. the Housing Control Laws)
- Moral or ethical issues or judgements
- Weight of numbers of public opposition or support in itself (as opposed to relevant planning basis for such views)
- Political manifesto commitments

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Have you visited our website?

Go to www.gov.gg/planning for additional guidance material and other planning information, or to book a pre-application discussion

This note is issued by the Development and Planning Authority to assist understanding of the provisions of the planning legislation. It represents the Authority's interpretation of certain provisions of the legislation and is not intended to be exhaustive or a substitute for the full text of the legislation copies of which are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg. Substantive queries concerning the legislation should be addressed to the Authority by telephone on 717200. The Authority does not accept any liability for loss or expense arising out of the provision of, or reliance on, any advice given. You are recommended to seek advice from an independent professional advisor where appropriate.