

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 agricultural shed/store to the rear (south) of an existing store/workshop.

LOCATION: Land adjacent to Candander House, Rue De La Hougue, Castel.

APPLICANT: Mr & Mrs K Simon

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: 18/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd: 21-1031 01

Application Ref: FULL/2021/1622

Property Ref: D00736A004

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 17/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The shed/store hereby approved shall be used only for agricultural purposes falling under Agricultural use class 28.

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/2021/1622
Property Ref: D00736A004
Valid date: 16/08/2021
Location: Land adjacent to Candander House Rue De La Hougue Castel
Guernsey
Proposal: Erect agricultural shed/store to the rear (south) of an existing
store/workshop.
Applicant: Mr & Mrs K Simon

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).

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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.

INFORMATIVES

The shed/store hereby approved shall be used only for agricultural purposes falling under Agricultural use class 28.

OFFICER'S REPORT

Site Description:

The application site comprises of a detached single storey pitched roof metal clad building with a floor area of approximately 70sqm. To the front (north) of the building is a gravelled parking area, the remainder of the site is laid to grass. The site is situated Outside of the Centres and is bounded to the east by an Agriculture Priority Area but the site itself is outside of the Agriculture Priority Area.

Relevant History:

None

Existing Use(s):

Use class 22: General storage
Agricultural use class 28

Brief Description of Development:

Planning permission is requested to erect a timber shed/store measuring 24sqm to the rear (south) of the existing store/workshop.

Following requests for additional information the agent advises that the shed/store would be used to store agricultural tools for the maintenance of the site including a lawn mower/tractor. The shed/store would not be used as a workshop and there is insufficient space within the existing store/workshop to accommodate these items.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development

Representations:

One letter of representation objecting to the application was received, main points as follows:

- Highlights area of land along the west boundary where ownership is uncertain and legal access to the application field is limited.
- Concerned about present and future use of the land which is considered to be agricultural land with a garage/workshop.
- The site contains a large building and a considerable number of vehicles (6 or more at any given time) and other materials. The driveway is in constant use by the applicant which impacts on the neighbours utility of their land.
- Concerned that the construction of a further building on the land would be extremely incongruous. This would be exacerbated as the application site sits at a higher level than the neighbouring field to the west.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the new shed is acceptable.
2. Design and impact of the development on the appearance, landscape character and openness of the area.
3. The impact of the development on the amenity of people living in the area.
4. Parking and access issues.

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).**

The existing store/workshop was originally constructed between 1938 and 1963. The store/workshop has a long established use for light industrial or storage purposes including as a carpentry store, for boat services and maintenance and more recently as a builders store. The building is currently used for storage, mainly of domestic items and is used for some vehicle maintenance. As the existing store/workshop has a floor area of less than 250sqm the building could be changed between light industrial (Use class 24) and general storage (Use class 22) uses as exempt development and without planning permission. There is a hard surfaced area to the north of the building which was constructed in its current form between 2013 and 2016, without the benefit of planning permission, but is now immune from

enforcement action. The remainder of the land to the west and south of the existing store/workshop is recognised as agricultural land.

The agent advises that the proposed shed/store would be used to store agricultural tools for the maintenance of the site including a lawn mower/tractor, it would not be used as a workshop and there is insufficient space within the existing store/workshop to accommodate these items.

Policy OC5(B) supports agricultural developments where they are ancillary or incidental and essential to the agricultural use of the land and where there are no other buildings which could, with or without reasonable adaptation, be otherwise used for the proposed purposes.

The submitted information regarding the proposed use is limited. However, it is noted that the applicant's own a field to the north of Candander House, measuring approximately 4000sqm. Although there is an existing store/workshop on the site adjacent to the proposed agricultural store, the existing store/workshop has an established use for light industrial (Use class 24) or general storage (Use class 22) purposes and it forms a separate planning unit to the agricultural land. As a result, there is currently no building on the agricultural land under the applicant's ownership which could be used to house the agricultural tools to maintain the agricultural land, and in principle the proposal could accord with Policy OC5(B).

The site is well screened from public view and by virtue of the siting of the proposed store to the rear of and adjacent to the existing store/workshop and its modest size, the proposed store is unlikely to have any adverse effects on the character, appearance and openness of the area and the amenities of neighbouring residents. In addition, the store is unlikely to significantly increase traffic movements to and from the site to the extent that they would result in highway safety concerns.

With regards to the comments in the letter of representation about the ownership of land and rights of way, all decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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.

The proposal accords with policy and it is recommended that the application is approved.

Date: 18/02/2022

