

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: Demolish outbuildings and erect agricultural barn to east of site.

LOCATION: Land at, Les Prins Lane, Vale.

APPLICANT: Mr M Simon & Mr A Sharp

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: 12/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 932-3-044A, 045A, 046A, 047 & 048.

Application Ref: FULL/2021/2314

Property Ref: C02398A001

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 landscaping scheme shall be fully completed, in accordance with drawing number 932-3-044/A, in the first planting season following the first use of the barn or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To mitigate the potential impact on the special interest of the adjacent Site of Special Significance and in the interests of visual amenity and to help assimilate the development into its surroundings.

5. No external lighting of any kind shall be installed on the site and the hereby approved barn and any internal lighting shall only be used when the building is in active use.

Reason - To minimise light pollution in order to mitigate the potential impact on the special interest of the adjacent Site of Special Significance.

6. The bird boxes shall be installed prior to the first use of the barn.

Reason - To mitigate the potential impact on the special interest of the adjacent Site of Special Significance.

7. The barn shall be used only for agricultural purposes falling within Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 11/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

To minimise the potential impact on the special interest of the adjacent Site of Special Significance, it is recommended that the timing and extent of works are undertaken in accordance with section 6.5 of the submitted Ecological Assessment by Environment Guernsey Ltd, dated September 2021.

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/2021/2314
Property Ref: C02398A001
Valid date: 15/10/2021
Location: Land at Les Prins Lane Vale Guernsey
Proposal: Demolish outbuildings and erect agricultural barn to east of site.
Applicant: Mr M Simon & Mr A Sharp

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.

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removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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Reason - To minimise light pollution in order to mitigate the potential impact on the special interest of the adjacent Site of Special Significance.

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Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

INFORMATIVES

To minimise the potential impact on the special interest of the adjacent Site of Special Significance, it is recommended that the timing and extent of works are undertaken in accordance with section 6.5 of the submitted Ecological Assessment by Environment Guernsey Ltd, dated September 2021.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to demolish a number of corrugated structures/sheds and to erect an agricultural barn to the east of the site. The agricultural barn is proposed to measure 24m by 12m by 6.8m (ridge height) with vertical timber clad walls on dwarf 1.5m high concrete panels and a dark green fibre cement roof.

The application is supported by a Planning and Design Statement which sets out the proposed use of the barn, including storage of agricultural equipment and hay bales, and details of the agricultural land it would be associated with and an Ecological Assessment by Environment Guernsey Ltd dated September 2021.

The site comprises of a parcel of agricultural land which has a number of corrugated structures/sheds, hutches and animal enclosures along the south, east and north boundaries which are predominantly used to store agricultural equipment and to house poultry. The site is accessed off Les Prins Lane and is situated to the north-west of the Portinfer Timber Yard. To the south and south-east is a large area of agricultural land, the majority of which is within an Agriculture Priority Area, and it is bounded to the west and north by an area of dense scrub which is designated as a Site of Special Significance. The site is situated Outside of the Centres.

Relevant History:

May 2021 - PREA/2021/0722 – Pre-application advice regarding demolish buildings, retain stable block and erect agricultural shed.

Existing Use(s):

Agricultural use class 28

Assessment: *(Tick as appropriate)*

no representation

☒
☒
☐
☒

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

☒
☒
☒

Policies considered most relevant:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP2: Sites of Special Significance

Policy GP8: Design

Policy GP9: Sustainable Development

Conclusion/Brief comment:

The application is supported by a Planning and Design Statement which demonstrates that the barn would be ancillary and essential to the proper running of an existing agricultural holding and there are no buildings on the agricultural holding which could be used for the proposed purposes, in accordance with Policy OC5(B).

The design and materials of the barn achieves a good standard of design. The barn would be visible from Les Prins Lane to the south-west and in distant views from Les Barras Lane to the south (a distance of approximately 300m to 350m). Although the barn is situated in a largely open and undeveloped landscape, it would be viewed in context with a similar sized shed on the Portinfer Timber Yard to the south-east. In addition, the barn would be set against a low hougue to the north, with submitted visuals indicating the proposed barn will not break the skyline of the planting on the hougue when viewed from the south, and the barn would be partially screened by existing well established planting on the site and adjacent land parcels and it is noted that additional planting is proposed which has the potential to provide further screening. Together with the design and materials of the barn, the proposal is unlikely to have a significant adverse effect on the openness and landscape character of the area, in accordance with Policies GP1 and GP8.

The site is bounded to the north and west by a Site of Special Significance. Development which would have a negative and/or damaging impact on the special interest of the Site of Special Significance which cannot be satisfactorily mitigated or offset will not be supported (Policy GP2).

The application is accompanied by an Ecological Assessment which concludes that the construction of a new agricultural shed would result in mostly localized and short term ecological impacts, many of which could be mitigated by simple measures such as new hedge planting and the installation of wildlife boxes. It is recommended that the timing of construction work and the extent of such works is considered to prevent avoidable environmental impacts. The report advises that the most important aspect of the works would be the nature of any external lighting, the impact of which could extend beyond the site and into the surrounding landscape. It is recommended that this potential new source of light pollution is limited through appropriate design of low intensity and directional devices and lighting is kept turned off when the site is not in use.

The Planning and Design Statement submitted with the application sets out that no external light is proposed. Internal lighting is proposed but will be minimised to times when the building is in use. Bird/bat boxes are proposed to be installed on the north and south elevations of the barn and additional native mixed hedge planting is proposed along the south boundary to replace an existing conifer hedge. Planning conditions can be applied to control lighting, the installation of bird boxes and the proposed landscaping to mitigate the potential impact on the special interest of the adjacent Site of Special Significance. In addition, it is recommended that advice is provided regarding avoiding works to trees, shrubs and earth banks during the main bird breeding season (March to July inclusive), as set out in section 6.5 of the Ecological Assessment. Provided that the development is carried out in accordance with these measures, the proposal would accord with Policy GP2.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 12/04/2022