

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 an agricultural store to east of site.

LOCATION: Les Landes De Haut, Rue Des Landes, St. Pierre Du Bois.

APPLICANT: Mr N Silk

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: 10/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7542-01/B1A & /B2.

Application Ref: FULL/2021/2355

Property Ref: F012480000

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.There shall be no concrete slab beneath the building hereby permitted, and no development shall begin on site until details of the base/support structure, which shall be designed to be the minimum necessary and easily reversible, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is capable of being removed if no longer required in future, and to ensure that the land can be utilised for agricultural purposes thereafter.

5.The building hereby permitted shall be removed and the land restored to its former condition if it is no longer required or ceases to be used for agricultural purposes.

Reason - To prevent a proliferation of buildings in rural areas when they are no longer required for agricultural purposes, in the interests of landscape character and visual amenity.

Expiry Date: This permission will cease to have effect on 09/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

This permission does not relate to the post and rail fences currently erected in the centre of the site for which a separate grant of planning permission is required.

For the avoidance of doubt, the building hereby approved shall be used for purposes incidental or ancillary to use of the land for agricultural purposes only. The use of the building for any other non-agricultural, storage or commercial use would require a separate grant of planning permission and involve different planning policy considerations.

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/2021/2355
Property Ref: F012480000
Valid date: 16/11/2021
Location: Les Landes De Haut Rue Des Landes St. Pierre Du Bois
Guernsey
Proposal: Erect an agricultural store to east of site.
Applicant: Mr N Silk

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.

4. There shall be no concrete slab beneath the building hereby permitted, and no development shall begin on site until details of the base/support structure, which shall be designed to be the minimum necessary and easily reversible, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is capable of being removed if no longer required in future, and to ensure that the land can be utilised for agricultural purposes thereafter.

5. The building hereby permitted shall be removed and the land restored to its former condition if it is no longer required or ceases to be used for agricultural purposes.

Reason - To prevent a proliferation of buildings in rural areas when they are no longer required for agricultural purposes, in the interests of landscape character and visual amenity.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

This permission does not relate to the post and rail fences currently erected in the centre of the site for which a separate grant of planning permission is required.

For the avoidance of doubt, the building hereby approved shall be used for purposes incidental or ancillary to use of the land for agricultural purposes only. The use of the building for any other non-agricultural, storage or commercial use would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The application site comprises an agricultural field situated to the east of Rue Des Landes. Surrounding the site the area comprises agricultural fields to the north, west, and east with glasshouses bordering the site to the south.

The site is situated Outside of the Centres and within the Agriculture Priority Area (APA) as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Agriculture

Brief Description of Development:

Planning permission is sought to erect an agricultural store to the east of the site.

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

Island Development Plan Policies:

- OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas;
- GP1: Landscape Character and Open Land;
- GP8: Design

Representations:

One letter of representation has been received objecting to the development proposed. The grounds for objection are summarised as follows:

- The only access to the application site is through a field not in the applicants ownership;
- Last summer a tent was erected for family use which caused above normal usage of the site causing the access to be badly rutted;
- Concern raised that the application is a slow progression from a tent to a wooden shed and onto a possible housing application at a later date.
- This is more loss of much needed agricultural land in this part of the Island and is inappropriate in view of no independent access.

Consultations:

None

Summary of Issues:

- Principle of development;
- Design of the proposal and any impact on the landscape character and openness of the surrounding area;
- Impact on the amenities of any neighbouring properties;

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).**

Paragraph 17.3.2 of the IDP considers that current agricultural practise in Guernsey centres on the dairy industry but also includes outdoor vegetable growing and a range of hobby farming and small holdings.

The proposal therefore falls to be considered primarily under Policy OC5(a) - Agriculture Outside of the Centres – within the Agriculture Priority Areas; as a hobby farm/small holding. Policy OC5 supports proposals for development relating to the agricultural use of an existing farmstead, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, where there are no other buildings or structures which could with, or without reasonable adaptation be otherwise used for the proposed purpose.

The site is currently used as a small holding with a number of livestock, including sheep, chickens and turkeys. A small removable structure is situated on the land which currently houses the turkeys/chickens for which planning permission would not be required. However, post and rail fencing has been erected at the centre of the site to safely accommodate the livestock on the site, for which permission appears not to have been granted. No details of the post and rail fencing has been provided as part of this application. Should planning permission be granted it is recommended that an informative is included to advise the applicant that no permission is granted for such and that a separate application would be required.

Information submitted as part of the application confirms that there are no current buildings at the site. It was noted during a visit to the site that various items are being stored out in the open (such as mowers, a tractor, animal feed etc). A need for a building to store such items has therefore been demonstrated.

Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area. Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The proposed building is of an appropriate scale and mass and has been positioned within the southwest corner of the site to have minimal impact on the character, openness and appearance of the surrounding area. The proposal will also be seen in

context with the built form (greenhouses immediately to the south and southwest) and will be partially screened by existing trees and hedgerows.

The proposed building will be timber, in-keeping with the rural character of the area. The proposal is sufficient distance from neighbouring properties and would therefore not cause undue harm to their amenities.

Subject to conditions requiring details of the base structure to be submitted, and that the building be removed if no longer required, there would be no permanent loss of agricultural land or impact on landscape character.

For the reasons contained within this report it is considered that the proposal complies with the provisions of Policy OC5(a), GP1 and GP8 of the Island Development Plan.

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. An informative on any permission should be included to this effect.

With regard to the comments raised relating to the use of the site for housing in the future, the site is situated Outside of the Centres and within the Agriculture Priority Area where housing is precluded by planning policy.

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.

For the reasons contained within this report it is considered that the proposal accords with the above mentioned Policies of the Island Development Plan and that planning permission is granted subject to conditions.

Date: 07 March 2022