

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 a log cabin to north boundary and erect security fence, gates and cameras.

LOCATION: Les Vallees Farm, Rue Du Preel, Castel.

APPLICANT: Mrs K Billien

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: 12/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 21-006-01A, email dated 10/01/2022 and AMR Log Cabin drawing sheets 1 - 7

Application Ref: FULL/2021/2559

Property Ref: D006390000

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.Within six months of the date when use of the site for horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the log cabin, fencing, gates and lighting columns hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for these structures has been granted only on the basis that they are required in association with the horticultural use of the land. There is no justification to retain the structures if there is no longer any horticultural use of the land.

Expiry Date: This permission will cease to have effect on 11/01/2025 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/2021/2559
Property Ref: D006390000
Valid date: 13/12/2021
Location: Les Valleees Farm Rue Du Preel Castel Guernsey GY5 7DP
Proposal: Erect a log cabin to north boundary and erect security fence, gates and cameras.

Applicant: Mrs K Billien

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. Within six months of the date when use of the site for horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the log cabin, fencing, gates and lighting columns hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for these structures has been granted only on the basis that they are required in association with the horticultural use of the land. There is no justification to retain the structures if there is no longer any horticultural use of the land.

OFFICER'S REPORT

Brief Description of the site:

Les Vallees Farm is a horticultural site containing a number of polytunnels. The site is set behind residential development and a glasshouse site to the north on Rue du Preel. Land to the south and east is open and undeveloped and to the west is further residential development in Rue Des Vallees.

The application relates to the erection of a 3.5m high security fencing and gates to the site perimeter and the erection of a timber cabin adjacent to the north boundary and west of the site access to be utilised in connection with site security. Seven security cameras are also shown to be positioned around the site all mounted on 4.5m high galvanised posts.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

28 Agriculture/Horticulture

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:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

OC6: Horticulture Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

The current proposal is for the ongoing horticultural use of the site. Policy OC6 (Horticulture Outside of the Centres) therefore applies. The site is in active commercial operation which makes a material contribution to the horticultural industry and will do so for the foreseeable future.

No new areas of glass/polytunnels are proposed as part of the application. No information has been provided regarding the use of the proposed log cabin or, however, it is accepted that a horticultural use requires an ancillary building and given the introduction of security cameras on the site a place for monitoring these will be necessary. The footprint of the proposed building does not appear to be disproportionately large in comparison to the polytunnels on the site and the proposed works are therefore accepted as ancillary, incidental and essential to the operation of the holding.

Paragraph 17.4.3 the IDP also confirms that, in order to avoid the potential of redundant glasshouses and ancillary structures remaining once the commercial horticultural operation on the site has ceased, the Authority will require structures, which are approved and constructed under this policy but are no longer required, to be removed and the land restored to another type of agricultural use. In accordance with this paragraph and part d) of Policy OC6, it is therefore recommended that a condition be applied requiring removal of the packing shed and all other ancillary structures proposed under this application upon cessation of the proposed use.

The site is visible from Rue du Preel, over the open field to the east but is not visible from Rue Des Valles. The proposed log cabin will be read against the surrounding development and, subject to the fence being finished in green and set inside existing trees along the east and south boundaries as indicated in the application submission (the form states no trees are to be removed), neither the building nor the fence will have a significant impact on the wider open landscape when considering Policies GP1 and GP8 of the Plan.

The proposed cabin is set to the north of the site and away from residential properties, towards the neighbouring residential properties and it will not result in overshadowing or overlooking and loss of privacy to the occupiers of surrounding dwellings. The fencing would be located adjacent to open land (south and east),

glasshouses (north) and an existing hedge (west) and any impact on amenities would not be sufficient to warrant refusal of the application when assessing the proposals against Policy GP8 and GP9 of the Plan.

The proposed cameras and intended line of vision would be angled away from residential properties and although mounted higher than the proposed fence would be seen in the context of the existing development on the site and would be screened from outside the site by existing boundary landscaping. Those cameras would not impinge on the rights and privacy of neighbouring properties nor the character and appearance of the locality and meet the aims of Policy GP8 and GP9 of the IDP.

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.

Overall the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to a condition relating to the removal of structures approved under this application following cessation of the use.

Recommendation:

Grant with Conditions



Date: 11 January 2022

