

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: Install portacabin and refrigerating container to west boundary for the production of artisan cheese.

LOCATION: Les Jaonnets Farm, Rue Des Boulains, St. Saviour.

APPLICANT: Mr M Bray

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: 14/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Layout Plan, Dimensioned images of Container and Portacabin

Application Ref: FULL/2021/2602

Property Ref: E00596B000

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 container and portacabin hereby permitted shall be used only for purposes incidental and ancillary to use of the farmstead and agricultural holding of which they form part.

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.

5.No use of the refrigerated container hereby permitted shall begin until such time as details of predicted noise levels for the refrigeration unit and, unless the Authority agrees that such a scheme is unnecessary, a scheme for noise attenuation have been submitted to and agreed in writing by the Authority. The agreed attenuation measures shall be fully implemented before the refrigerated container is first used and thereafter so maintained.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 13/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please find enclosed a copy of comments made by the the Office of Environmental Health and Pollution Regulation (OEHPR). Please ensure that these comments are properly considered in carrying out the permitted development. The OEHPR may also be able to advise in relation to addressing the requirements of Condition 5.

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/2021/2602
Property Ref: E00596B000
Valid date: 20/12/2021
Location: Les Jaonnets Farm Rue Des Boulains St. Saviour Guernsey
GY7 9XN
Proposal: Install portacabin and refrigerating container to west
boundary for the production of artisan cheese.
Applicant: Mr M Bray

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. The container and portacabin hereby permitted shall be used only for purposes incidental and ancillary to use of the farmstead and agricultural holding of which they form part.

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.

5. No use of the refrigerated container hereby permitted shall begin until such time as details of predicted noise levels for the refrigeration unit and, unless the Authority agrees that such a scheme is unnecessary, a scheme for noise attenuation have been submitted to and agreed in writing by the Authority. The agreed attenuation measures shall be fully implemented before the refrigerated container is first used and thereafter so maintained.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

Please find enclosed a copy of comments made by the the Office of Environmental Health and Pollution Regulation (OEHPR). Please ensure that these comments are properly considered in carrying out the permitted development. The OEHPR may also be able to advise in relation to addressing the requirements of Condition 5.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a working dairy farm located Outside of the Centres and within an Agriculture Priority Area under the Island Development Plan. There are a small number of residential properties to the north-west and west, but the site is otherwise surrounded by agricultural fields.

Relevant History:

None.

Existing Use(s):

Agricultural Use Class 28

Consultation(s):The Office of Environmental Health and Pollution Regulation

Raise no objections to the proposed development, but do have concerns over the suitability of the container being used as a cheese dairy. Recommend that the applicant liaise with the OEHPR at an early stage in order to address those concerns.

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:**

GP8 – Design

GP9 – Sustainable Development

OC5A – Agriculture Outside of the Centres - Within the Agriculture Priority Areas

Conclusion/Brief comment:

There being no other suitable or adaptable buildings on the site, the proposed installation of a refrigerated container and portacabin will enable the applicant to produce artisan cheese as a form of limited farm diversification, something supported by Policy OC5(A). A condition restricting the use so that it operates on an incidental and ancillary basis as part of the agricultural holding is appropriate, as the creation of an independent light industrial use would otherwise be precluded by the IDP.

The relatively small scale and siting of the proposed structures means that, when taking into account the topography of the surrounding area and existing buildings and landscape features, there would be no adverse visual impact.

Operation of the refrigerated container may generate noise that could impact on the amenity of neighbouring residential properties to the north-west and west. A condition requiring details of predicted noise levels and the Authority's prior agreement to any acoustic enclosure or other mitigation measures that might be required would be reasonable in this case.

The nature of the proposed development is such that there are limited opportunities to apply sustainable development principles, however the submitted information does demonstrate that careful thought has gone into the siting and layout of the structures in relation to existing utilities, and as such the application is considered to comply with the aims of 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.

Recommendation:

Grant with Conditions



Date: 09-02-2022

