

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 single storey covered shelter.

LOCATION: La Pommeraye, Rue Des Fauxquets, Castel.

APPLICANT: Mr J Meller

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: 27/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 6154-06 B1.

Application Ref: FULL/2022/0065

Property Ref: D002030000

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 covered shelter, however named, hereby approved under this permission shall be used only for the purposes of agriculture in connection with the cider production at La Pommeraye all 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 repealing or re-enacting that Ordinance, and shall not be used for any other purpose whatsoever at any time. Should the commercial agricultural use of the site cease, or the visitor tours be no longer required, the covered shelter hereby permitted shall be removed from the land within six months of the cessation of such use or such other period as agreed in writing beforehand by the Authority.

Reason - To ensure that the development is used ancillary for specified agricultural purposes only and is removed from the land promptly in the event that such use is discontinued, or the visitor tours of the site cease to operate.

Expiry Date: This permission will cease to have effect on 26/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the curtilage associated with the dwelling presently known as La Pommeraye.

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/2022/0065
Property Ref: D002030000
Valid date: 17/01/2022
Location: La Pommeraye Rue Des Fauxquets Castel Guernsey GY5 7QA
Proposal: Erect single storey covered shelter.

Applicant: Mr J Meller

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 covered shelter, however named, hereby approved under this permission shall be used only for the purposes of agriculture in connection with the cider production at La Pommeraye all 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 repealing or re-enacting that Ordinance, and shall not be used for any other purpose whatsoever at any time. Should the commercial agricultural use of the site cease, or the visitor tours be no longer required, the covered shelter hereby permitted shall be removed from the land within six months of the cessation of such use or such other period as agreed in writing beforehand by the Authority.

Reason - To ensure that the development is used ancillary for specified agricultural purposes only and is removed from the land promptly in the event that such use is discontinued, or the visitor tours of the site cease to operate.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the curtilage associated with the dwelling presently known as La Pommeraye.

OFFICER'S REPORT

Brief Description of the site:

The application site is located Outside of the Centres as defined in the Island Development Plan. The property comprises detached dwelling-house and orchard farm, surrounded by ancillary agricultural buildings.

Planning permission is sought to erect a bespoke bus shelter in order to provide protection to visitors/tourists exposed to the elements whilst waiting to be picked up from the site. The shelter will be comprised of timber and finished with a slate roof.

Relevant History:

FULL/2017/2907	Extend existing oak framed tractor and bee keepers store on south elevation.	Granted
FULL/2017/2888	Install double doors to distillery (north) elevation.	Granted
FULL/2017/2454	Construct new Calvados cellar	Granted
FULL/2012/3372	Erect timber framed tractor store and honey extraction facility.	Granted
PAPP/1999/0301	Demolish store and erect an agricultural barn/store. (Agricultural Use Class 60).	Granted

Existing Use(s):

Agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable development

Conclusion/Brief comment:

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.

Policy OC5(A) (Agriculture Outside of the Centres) states that *“proposals for development relating to the agricultural use of an existing farmstead or existing agricultural holding, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, will be supported where there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes”*.

Whilst the structure is outside of the recognised curtilage of the dwelling and thus falls on agricultural land, the structure is to be used ancillary to the agricultural use of the land.

The structure will serve the visitors of the site, which in turn are visiting the site in relation to the manufacturing and production of Rocquettes cider, and therefore for the purposes of Policy OC5(A) represents an appropriate form of development. It is however necessary to impose a condition to ensure that the structure is demolished should the commercial agricultural use of the land be discontinued, or the visitor tours cease to operate.

No other building or structure on the agricultural holding could be used for the proposed purposes in the intended area.

With regards to Policy GP8, the proposed structure adopts a good standard of design by virtue of its limited scale and mass and incorporates a traditional form and materiality.

The removal of a section of the existing earth bank is limited and would not give grounds to refuse planning permission.

Due to the secluded position of the site, the proposal is unlikely to have a detrimental impact on the landscape character of the area, visual amenity, or the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 25/04/22