

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 storage building (Use Class 22) to south-east boundary, excavate earth bank and erect fence to north-east elevation (retrospective).

LOCATION: Land At Rue Du Vallet, Rue Du Vallet, St. Pierre Du Bois.

APPLICANT: Mr R F Benstead

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 20/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd - 19-120- 02A & 03.

Application Ref: FULL/2022/0177

Property Ref: F004790000

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 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.

3. Within two months of the date of this permission the timber shed with an apex roof that has been relocated to accommodate the building hereby approved shall be removed in its entirety from the site.

Reason - In the interests of the visual amenity of the locality, the existing shed being an unauthorised structure.

4. Within two months of the date of this permission the temporary camouflage sheeting applied to the exterior of the outbuilding hereby approved shall be removed and the dark stained shiplap timber cladding as shown on the approved plans shall be installed to all external walls of the building.

Reason - The camouflage sheeting is temporary in its finish and appearance and does not complement the character and appearance of the locality. This condition is imposed to ensure that the building is finished to a standard that represents a good standard of design that will preserve the character and appearance of the rural location.

Expiry Date: This permission will cease to have effect on 09/03/2025 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/2022/0177
Property Ref: F004790000
Valid date: 20/01/2022
Location: Land At Rue Du Vallet Rue Du Vallet St. Pierre Du Bois
Guernsey GY7 9HD
Proposal: Erect single storey storage building (Use Class 22) to south-east
boundary, excavate earth bank and erect fence to north-east
elevation (retrospective).
Applicant: Mr R F Benstead

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 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.

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OFFICER'S REPORT

Site Description:

The land is situated to the west of Rue Du Vallet and the southeast boundary with the road is marked by a high bank and a section of timber fencing set above the bank. A section of wavy edge green stained fence exists along the southwest boundary. Access in the southern corner of the site and much of the site is covered by trees. Residential properties exist to the south, southwest and northeast of the site. Two sheds exist to the west of the driveway/turning area with storage across the site. A number of vehicles were parked on the site at the time of the site visit. A single-storey flat roof building has been constructed following the excavation of the bank adjacent to Rue De Vallet. The building has been covered in a camouflage wrap and a green stained timber fence erected to the northeast of the building. Hedge planting has been carried out around the building.

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

Relevant History:

February 1997 – IDC concluded that the minimal level of storage of equipment on the site was such that it would be unproductive to take legal action and no further action was proposed at that time.

April 2006 - PAPP/2006/1532 – planning permission sought by Mr Vaudin (with consent from Mr Benstead) to fell conifer trees and lop a hedge. One photograph provided with the submission appears to show the site, hard surfacing and some storage including a small boat. Permission granted.

CLU/2021/0689 - Regularise use of land for Storage and Distribution (Use Class 22) - approved

Existing Use(s):

22 Storage and Distribution (for the use of the land for the storage of vehicles (including boats and cars) and materials)

Brief Description of Development:

Retrospective permission is sought for the erection of a flat roof building to be used as a store. The application drawings show that the building has a horizontal timber clad exterior. The earthbank adjacent to Rue Du Vallet has been excavated in order to accommodate the building and a 3.5m high fence constructed to the northeast of the building.

As originally submitted, the application did not include any information regarding the need/purpose of the building. Following the deferral of the application and discussion with the agent it was identified that the building would be used for the storage of cars, motorbikes and general building materials which accords with the authorised use of this part of the site. Confirmation has also been provided that the smaller shed on the site will be removed should planning permission be granted for this development.

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

Island Development Plan policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

Representations:

One letter of representation has been submitted, drawing attention to the retrospective nature of the proposals, the damage caused to wildlife by removing the bank and that replacement hedge planting is using a non-native species. The comments conclude by setting out that planning conditions should be imposed and that it is not clear from the submission what the recognised use of the land is.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its impact on the character and appearance of the locality.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy OC3 provides support for proposals to extend or redevelop existing storage and distribution premises which provides a gateway for the erection of a building on a site with a recognised storage and distribution use. This site has an authorised use for the storage of vehicles and materials and the application submission, following deferral, provided confirmation that the use would fall within the authorised use class for the site. The scale of the proposed building is considered to be acceptable in the context of the sites authorised use.

The Island Development Plan sets out that "an important contribution to the landscape character of an area is made by the particular features within them. Such distinctive features include boundary treatments, historic field patterns, trees and natural landscaping and are important elements in defining an area's local distinctiveness". Although a substantial area of bank has been excavated as part of this development the works are not visible from Rue Du Vallet. The topography of the site and locality is such that the area of land is not highly publicly visible and the works do not result in the unacceptable loss of a boundary earthbank that contributes to the distinctiveness of the area because the work is contained, within the site.

The excavation of the bank within the site has allowed the building to be positioned so that it is not highly visible from the site access, to the southwest, and to avoid the building being elevated and more prominent in the site. The timber fence adjacent to the building acts as a retaining structure and has been painted/finished in green in order to help reduce the impact of this aspect of the proposal from outside of the site. The flat roof design ensures that the overall scale and bulk is reduced and the timber clad exterior is considered to represent an appropriate form of design for this rural location. As constructed however, the timber clad finish has not been applied but rather a camouflage sheeting has been applied. Whilst the camouflage appearance itself may be acceptable concerns exist regarding the longevity of the sheeting installed, that over time this will deteriorate detrimental to the finished appearance of the building and the character and appearance of the area. It is reasonable therefore, to impose a condition requiring the timber clad finished to be applied in accordance with the application drawings.

The siting and appearance of the building and adjoining fence are such that they will not undermine the open landscape character concerned. The building is set away from adjoining residential neighbours and will not result in overshadowing or loss of privacy in accordance with Policy GP8 and GP9.

Comments have been received regarding the impact of the works on wildlife however, this site is not located in an Area of Biodiversity Importance or Site of Special Interest which would afford a higher degree of protection. Nonetheless, planning permission is not required for the removal of trees unless they are the subject of a Tree Protection Order nor other landscaping on a site (planning permission is required to remove hedges). The application drawings as originally submitted did not show any new planting associated with the development however the submission photographs and officer site visit do indicate that hedge planting has been carried out to reduce the impact of the development on the local area. The application was deferred in order to ensure that the planting around the building was shown on the application drawings and the amended plans show a new hedge comprising 18 x 800mm high Euonymus Japonicus hedging. Although the planting itself does not require planning permission where landscaping is required in order to help mitigate the impact of a development on the wider area then it falls within the control of a planning application. Given the nature of this site, outside of a designated landscape area and the topography of the site where the building and fence are largely screened the proposed hedge is considered acceptable to help assimilate the development to its surroundings in line with the aims of the Island Development Plan.

In view of the above, it is recommended planning permission is granted for the proposed development including conditions relating to the finish of the shed, the recognised use and the removal of a second shed from the site.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 09 March 2022