

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 2.4m high fencing around the site.

LOCATION: Douit Vinery, Douit Lane, Castel.

APPLICANT: Celebrate Limited

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: 24/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 5872/F/1a

Application Ref: FULL/2022/0461

Property Ref: D017330000

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 fencing and gates 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 the fencing and gates has been granted only on the basis that it is required in association with the horticultural use of the land. There is no justification to retain the fencing and gates if there is no longer any horticultural use of the land.

Expiry Date: This permission will cease to have effect on 23/05/2025 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/2022/0461
Property Ref: D017330000
Valid date: 23/02/2022
Location: Douit Vinery Douit Lane Castel Guernsey
Proposal: Erect 2.4m high fencing around the site.

Applicant: Celebrate Limited

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 fencing and gates 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 the fencing and gates has been granted only on the basis that it is required in association with the horticultural use of the land. There is no justification to retain the fencing and gates if there is no longer any horticultural use of the land.

OFFICER'S REPORT

Brief Description of the site:

Douit Vinery is a site situated to the east of Rue de la Trappe. A fence and gate, covered with artificial greenery, exist along the roadside boundary. A hedge exists on the boundary with the residential neighbour to the southeast and an established landscaped boundary to the northwest.

The application relates to the erection of a 2.4m green high security fence inside the site boundaries/landscaping. The application was amended to increase the height of the fence from 2m following discussions between the applicant and law enforcement.

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

Relevant History:

FULL/2018/2919 - Erect chainlink fence and gates (revised) – granted

FULL/2018/2920 - Erect building adjoining existing glasshouse - granted

Existing Use(s):

28 horticulture

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:

Island Development Plan Policies:

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

Consultation:

Office of Environmental Health and Pollution Regulation - do not wish to raise any objections or make any comments regarding the proposals via the planning application process.

OEHPR are aware that the applicant is in discussion with the Bailiwick of Guernsey Cannabis Agency (BGCA) regarding the security of this site and would encourage them to continue to liaise with BGCA on these matters.

Conclusion/Brief comment:

The application site is located Outside of the Centres and within an Agriculture Priority Area (APA) in the IDP. Policy OC5(A) states that proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan.

The IDP states at paragraph 17.4.2 that a number of horticultural operations exist and owing to their often niche market product, represent a viable industry. The Island Development Plan supports horticultural businesses that are considered to make, or be capable of making, a material contribution to the horticultural industry and are likely to continue to do so for the foreseeable future by virtue of their suitability for commercial operations. It does this by enabling them to carry out extensions, alterations or rebuilding to existing structures, or ancillary or ordinarily incidental development, subject to certain requirements. At 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.

The application site is a vinery site and no new glass is proposed in this case. The site remains suitable and is being used for commercial horticultural production and therefore makes a material contribution to the horticultural industry for the foreseeable future. Criteria a) and b) of Policy OC6 are therefore satisfied. Criterion c) is not relevant to this proposal.

The proposed fencing is capable of being easily removed on cessation of use, or when no longer required. This can be ensured by planning condition. The proposed fencing is intended to provide security to the site in conjunction with the horticultural use of the existing glasshouse. The glasshouse will be used to grow plants and the fencing is required for purposes ancillary and incidental and essential to the horticultural growing activity on the site. The proposal therefore satisfies criteria d) and e) of Policy OC6.

Given the existing site landscaping the proposal would not have an unacceptable impact on the open landscape character or visual amenity of the area and would accord with Policy GP1: Landscape Character.

The proposal achieves a good standard of design commensurate with its function. The proposed fencing has an open style and is shown to be finished green. The fencing would be positioned within the site away from the site boundaries and with existing boundary landscaping retained.

The proposal is for 2m high fence would have no adverse effects on the health and well-being of neighbours of the development.

The proposal complies with Policy GP8: Design and would have no adverse impact on the reasonable amenities of adjoining residents.

The proposal satisfies the relevant policies of the Island Development Plan and other relevant material planning considerations. It is therefore recommended that the application be approved subject to the planning conditions listed above.

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.

In view of the above it is recommended permission is granted for the proposal.

Recommendation:

Grant with Conditions



Date: 24 May 2022

