

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 agricultural shed to north boundary and install gate.

LOCATION: Field At, Le Trop De L'Ouest, Rue Des Rocques, Torteval.

APPLICANT: Mr & Mrs M & G Holliday

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: 16/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, Supreme Pent shed details and heavy metal field gate details by Jacksons

Application Ref: FULL/2022/0816

Property Ref: G002550000

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 shed shall be finished with a dark brown stain/paint within 28 days of its construction.

Reason - To reduce the impact of the shed on the character and appearance of the rural environment.

5.Prior to the erection of the shed hereby approved, a landscaping scheme for the area around the shed, to include full details of tree and hedge planting, incorporating planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the construction of the shed, or in accordance with a programme previously agreed in writing by the Authority. Any trees or hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that landscaping is provided around the shed in order to help assimilate the development into its surroundings.

6.Within six months of the date when use of the site for agricultural or horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the building hereby permitted and any associated structures 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 building has been granted only on the basis that it is required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

Expiry Date: This permission will cease to have effect on 15/06/2025 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/2022/0816
Property Ref: G002550000
Valid date: 10/05/2022
Location: Field At Le Trop De L'Ouest Rue Des Rocques Torteval
Guernsey GY8 0LZ
Proposal: Erect agricultural shed to north boundary and install gate.
Applicant: Mr & Mrs M & G Holliday

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 shed shall be finished with a dark brown stain/paint within 28 days of its construction.

Reason - To reduce the impact of the shed on the character and appearance of the rural environment.

5. Prior to the erection of the shed hereby approved, a landscaping scheme for the area around the shed, to include full details of tree and hedge planting, incorporating planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the construction of the shed, or in accordance with a programme previously agreed in writing by the Authority. Any trees or hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that landscaping is provided around the shed in order to help assimilate the development into its surroundings.

6. Within six months of the date when use of the site for agricultural or horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the building hereby permitted and any associated structures 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 building has been granted only on the basis that it is required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

OFFICER'S REPORT

Site Description:

The site is a field to the south of Rue Des Rocques. Dwellings exist to the immediate north and west of the site. The majority of land around the site is currently open and undeveloped agricultural land.

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

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the installation of a gate and the erection of a shed to be situated adjacent to the north, roadside, site boundary.

Planning permission is not required for the erection of a post and wire fence that is situated inside an existing hedge or earthbank and which is not more than 1.2m high and fencing does not form part of this planning application.

Keeping animals on agricultural land, whether for commercial agricultural purposes, as pets or in relation to hobby farming does not represent a material change of use of the land.

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

Island Development Plan policies:

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

GP1: Landscape Character and Open Land

GP8: Design

IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation have been submitted commenting on the application and raising the following points:

- Concerns are expressed regarding potential future development on this field site or others – driveway/larger sheds
- The proposed feed store will be approximately 5m from a neighbouring property and could generate noise (early morning feeds) or smells
- It is not clear whether this is a proposal for agricultural purposes or as a hobby
- There are no other fields in the area with sheds situated on them nor with set back gates to allow for off-road parking
- The shed would be out of keeping in the area and it should be repositioned elsewhere on the site (e.g. adjacent to the east boundary and set back from the gate, away from the roadside boundary)

- Additional planting on the site would soften the proposals and ensure the natural beauty of the area
- Solid wooden fencing would not be in keeping in the local area
- A planning restriction should be placed on the shed so that it cannot be used for any purpose other than the storage of food and hay and that it should be dismantled when no longer required for this purpose

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 rural environment.

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.

The provision of a metal field gate, to secure the site for livestock and enabling a vehicle to pull clear of the highway would not have a detrimental impact on the character of the open landscape concerned nor on residential amenity (GP1 and GP8). The proposal also gives consideration to highway safety and the free flow of traffic (IP9).

Policy OC5(A) does make provision for development not related to a farm or agricultural holding and also in relation to hobby farms and small holdings. Paragraph 17.3.2 of the IDP considers that current agricultural practise in Guernsey centres on the dairy industry but also includes outdoor vegetable growing and a range of hobby farming and small holdings.

Policy OC5 supports proposals for development relating to the agricultural use of an existing farmstead, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, where there are no other buildings or structures which could with, or without reasonable adaptation be otherwise used for the proposed purpose.

The application submission confirms that the land will be used for the keeping of goats but does not form part of a larger farm or commercial agricultural holding. As a

result there is a need to provide a structure on the site to house hay and feed for the livestock to be kept on site.

The proposed shed (to be painted dark brown or green) is modest in size to be positioned close to the site boundaries and a former packing shed on the adjoining site which is set back from but adjacent to the lane. The building will be seen in the context of the adjoining built development and as part of the cluster of development found on Rue des Rocques, and close to the junction with Le Clos. Although it would be positioned adjacent to the highway this is logical for unloading hay etc. and ease of access, furthermore, this would avoid dead or wasted space between the shed and roadside boundary if the shed was positioned further back and adjacent to the west boundary. The limited size of the shed combined with its careful positioning will not undermine the commercial function of the Agriculture Priority Area or the function of this field for agricultural purposes. It is reasonable to impose a planning condition to require the building to have a dark stain or finish in order to reduce its impact on the wider rural landscape character. A condition can also be imposed relating to landscaping around the building in order to provide further visual screening and finally in relation to the use and removal of the shed when no longer required.

The size, height and timber clad appearance of the building represents a good standard of design that respects the open landscape concerned. The relationship of the building to residential properties is such that it will not result in harm to the amenities currently enjoyed. Although concerns have been raised regarding noise and odours generated from the building/site the small scale nature of activity on the site would not generate undue nuisance, particularly given the unrestricted agricultural use of the field which could mean a herd of sheep or cows being grazed on the site or farm machinery accessing the site for ploughing, crop maintenance and harvesting.

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.

The concerns raised regarding other development, here or elsewhere, has been noted. The application does not set a precedent for other development because any future applications will need to be considered on their own merits and against the planning policies in place at that time.

In view of the above, it is recommended planning permission is granted for the proposed development.

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: 13 June 2022

