

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 extension to tractor store to north-west elevation.

LOCATION: Le Hechet Farm, Rue Du Hechet, Castel.

APPLICANT: Mr P Ogier

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: 07/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co Ltd: JO:22:08 01
Blackdown Buildings: 5806-09

Application Ref: FULL/2022/0910

Property Ref: D001740000

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 building hereby approved shall be used only for purposes ancillary to the adjacent farmstead, known as Le Hechet Farm, and for no other purpose including any other purpose in Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

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.Within six months of the date when use of the site for agricultural 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 use of the land. There is no justification to retain the building if there is no longer any agricultural use of the land.

Expiry Date: This permission will cease to have effect on 06/07/2025 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/2022/0910
Property Ref: D001740000
Valid date: 19/05/2022
Location: Le Hechet Farm Rue Du Hechet Castel Guernsey GY5 7BS
Proposal: Erect extension to tractor store to north-west elevation.
Applicant: Mr P Ogier

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 building hereby approved shall be used only for purposes ancillary to the adjacent farmstead, known as Le Hechet Farm, and for no other purpose including any other purpose in Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that

Use Class in any Ordinance revoking or re-enacting that Ordinance.

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. Within six months of the date when use of the site for agricultural 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 use of the land. There is no justification to retain the building if there is no longer any agricultural use of the land.

OFFICER'S REPORT

Site Description:

The farmstead comprises the farmhouse and associated outbuildings, two large agricultural sheds and a number of smaller structures, together with the tractor shed which forms the subject of this application, located on the north-west side of Rue du Hechet. The land on which the majority of the existing building group is located is relatively flat, but rises steeply to the north-east, and the tractor shed is located on elevated land adjacent to a large earth bund. The farmstead has a single access from Rue du Hechet, but has an internal link to the agricultural land to the north-east, which benefits from a separate access on to Rue du Hechet.

The property is located Outside of the Centres, within an Agriculture Priority Area in the Island Development Plan.

Relevant History:

01/12/17 FULL/2017/2437 Permission to erect timber framed tractor and farm implement shed.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to extend the existing tractor and farm implement shed to the north-west by 13.73m, providing three additional bays.

In support of the application the following points are made:

- The farm has grown in size subsequent to the construction of the tractor shed and more tractors and machinery are required;
- The proposed extension would enclose an area of existing open storage;
- There are no other sheds within the existing farmstead that could be used as all are currently in use for existing operations;
- The extension would be within the existing farmyard area and would not take up any adjacent grazing land.

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

OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1	Landscape Character and Open land
GP8	Design
GP9	Sustainable Development

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal complies with policy;
Impact on the character of the area;
Impact on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy OC5(A) states that proposals for development relating to the agricultural use of an existing farmstead or 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.

The proposal is for development relating to the agricultural use of an existing farmstead. Whilst the information provided as part of the current application is not sufficient in itself to demonstrate that there are no other buildings capable of serving the proposed use, it was established under the previous application that the existing buildings at the site were fully utilised and this has been confirmed on site. In this case, the Authority is therefore satisfied that the existing buildings are fully utilised and could not be used for the proposed purposes. The principle of the proposal is therefore acceptable under Policy OC5(A).

As noted above, the building which forms the subject of this application is elevated above the adjacent farm buildings. The upper part of the structure is visible from Rue de Hechet to the north-east across the intervening field, however the low profile of the building and muted colours limits the visual impact. The proposed extension would be located on the gable set away from the highway and would continue the form and design of the existing building. The proposal would not therefore result in a significantly greater visual impact than the existing building.

The land on which the tractor shed is located was previously undeveloped and the previous permission for the shed was therefore conditioned to ensure removal of the shed should the proposed use cease. It would be reasonable to reiterate that condition in respect of the extension proposed under this application.

There is one nearby residential property, located on the opposite side of Rue du Hechet. That dwelling is set back from the roadside, and separated from the road by trees and other planting. The proposed extension would be set away from that property and would not result in any increased impact on the amenity of the property.

The proposal would comply with the purpose of the Law, material considerations and relevant planning policies and approval is recommended. It is however noted that this building is only acceptable for the purposes set out in this application and it is recommended that the decision be conditioned to limit the use.

Date: 05/07/22