

**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:** Remove earthbank and create vehicle access to south boundary (Retrospective).

**LOCATION:** Vale Mill, Hougue Du Moulin, Vale.

**APPLICANT:** Vale Mill 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:** 23/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** CCD 2962 CD/ 19A, 21A & 22.

**Application Ref:** FULL/2022/1156

**Property Ref:** C02655B000

**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. Notwithstanding the information shown on the application drawings this permission relates only to the removal of a 4.5m section of earthbank to create a vehicular access with granite setts at the entrance.

Reason - For the avoidance of doubt.

5. Within two months of the date of this permission the replacement bank approved to either side of the new opening shall be constructed in accordance with the guidance contained on page 3 of Conservation Advice Note 3 - Earth Banks in Guernsey and finished off using materials and a method of construction which match the remainder of the earthbank.

Reason - To ensure that the bank either side of the access is correctly constructed to ensure the longevity of the bank and In the interests of visual amenity.

6. The works to form a replacement earthbank either side of the access hereby approved and new hedge planting associated with that earthbank shall not exceed 0.9m high within the 2m visibility splay shown on the approved plans.

Reason - In the interests of highway safety.

7. Prior to the formation of the replacement earthbanks hereby approved full details of hedge planting to include planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the construction of the earthbanks, or in accordance with a programme previously agreed in writing by the Authority. Any trees or 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 help assimilate the development into its surroundings.

**Expiry Date: This permission will cease to have effect on 22/08/2025 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](http://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](mailto: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/2022/1156  
**Property Ref:** C02655B000  
**Valid date:** 24/06/2022  
**Location:** Vale Mill Hougue Du Moulin Vale Guernsey GY3 5NQ  
**Proposal:** Remove earthbank and create vehicle access to south boundary (Retrospective).  
**Applicant:** Vale Mill Limited

**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.

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

The application site includes the mill building and the area of land to the west which is presently gravelled and used for parking. There is a quarry to the west and a field to the north, which also form part of the land ownership. The quarry land comprises a flooded quarry, located between the Rue De L'Ecole to the north and Hougue du Moulin road to the south and is set below the level of those roads. There are views into the quarry from both roads, although these are limited to the north by the onsite vegetation. Although the site is bounded by agricultural land to the west and north-east, that land abuts residential development in both directions. There is a 2-storey block of 8 cottages to the east. The mill is accessed via an external stone staircase, and is presently vacant.

The mill is a protected building and the site is located Outside of the Centres as designated in the Island Development Plan.

**Relevant History:**

FULL/2022/0710 – erect earthbank to north boundary and install pontoon (retrospective) – granted

FULL/2020/0135 – convert mill to dwellinghouse including alterations to fenestration, erection of two-storey glazed entrance extension, construction of underground extension from mill to quarry face. Create cantilevered terraces and pathway around quarry; install floating pontoon and summerhouse in quarry, widen vehicular access, lower roadside wall and erect fence to south boundary (Protected Building) – granted

FULL/2018/0329 - Extend curtilage of Vale Mill site to include Quarry and surrounding land – granted

FULL/2015/0870 - Alter and convert former mill into dwelling (Protected Monument) – granted

**Existing Use(s):**

Vacant mill building & flooded quarry.

**Assessment:** *(Tick as appropriate)*

|                     |                                     |
|---------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> |
| within curtilage    | <input type="checkbox"/>            |
| design acceptable   | <input checked="" type="checkbox"/> |

|                              |                                     |
|------------------------------|-------------------------------------|
| visual amenity acceptable    | <input checked="" type="checkbox"/> |
| no material neighbour impact | <input checked="" type="checkbox"/> |
| traffic not affected         | <input checked="" type="checkbox"/> |

**Policies considered most relevant:**

Island Development Plan policies:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

**Conclusion/Brief comment:**

As the Planning History outlines, permission has been granted for the mill to be used as a unit of residential accommodation and for curtilage associated with the mill to

incorporate the flooded quarry to the west. As the mill remains under renovation/extension there is currently no recognised dwelling on the site. The application report for the change of use of land concluded by stating *"This assessment is however based on the use of the land for ancillary residential purposes in association with the converted mill building. There is little justification to consider such an extension in association with the existing redundant building. As the conversion has not yet been implemented, and will shortly expire, it is recommended that the change of use is conditional upon the conversion of the mill."* At present therefore, the quarry does not represent domestic land.

The application as originally submitted related to the removal of a section of earthbank (retrospective) along the south site boundary to create a vehicular access to be secured and enclosed by a new timber entrance gate 1.5m high along with the erection of a detached garage with associated gravel turning and parking area. A covered walkway was also proposed along the south boundary between the parking area and dwelling approved at Vale Mill.

In view of the fact the land is not currently recognised as domestic garden, the applicant agreed in writing for the application drawings to be annotated to clearly identify those aspects of development that cannot be supported by the IDP at this time. As a result, the high timber gate, garage, hardstanding and walkway have been omitted from the scheme.

As amended therefore, the application relates to the retrospective removal of an earthbank, forming a 4.5m wide vehicular access with associated granite setts within the access, replacement bank and hedge planting to either side of the access.

The formation of a vehicular access would represent works ancillary and incidental to the existing recognised use of the land above the flooded quarry in line with the aims of Policy OC5(B).

The site is not situated in a Conservation Area and although a section of the boundary earthbank would be lost, a large proportion of the boundary enclosure will remain intact and will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *"the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met."*

The access as installed would not have a detrimental impact on the amenities enjoyed by the occupiers of surrounding dwellings and complies with Policies GP8 and GP9 of the IDP. The scheme as submitted, shows satisfactory visibility splays onto Hougue Du Moulin in line with Policy IP9 and a condition relating to the visibility splay will ensure this is retained into the future.

It is appropriate to impose conditions relating to the completion of the access, given that work has commenced on site, specifically in relation to the new earthbanks proposed to form the ends of the new opening and any associated hedge planting which is not clearly specified on the application drawings.

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 planning permission is granted for the vehicular access.

**Recommendation:**

Grant with Conditions



**Date:** 23 August 2022

