

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 west of existing shed and erect extensions to north and south elevations of existing agricultural shed.

LOCATION: Smith Field Vinery, Route De Pleinmont, Torteval.

APPLICANT: Mr F Le Cheminant

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: 20/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Huxley Construction: PH-4007/PD01 Rev P05 & /PD02 Rev P04.
Block Layout Plan

Application Ref: FULL/2022/1220

Property Ref: G001240000

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.

Expiry Date: This permission will cease to have effect on 19/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed agricultural shed and associated extensions to be used only for purposes ancillary and incidental to the agricultural use of the site and for no other purpose.

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/2022/1220
Property Ref: G001240000
Valid date: 27/06/2022
Location: Smith Field Vinery Route De Pleinmont Torteval Guernsey
GY8 0LL
Proposal: Erect agricultural shed to west of existing shed and erect
extensions to north and south elevations of existing agricultural
shed.
Applicant: Mr F Le Cheminant

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).

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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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed agricultural shed and associated extensions to be used only for purposes ancillary and incidental to the agricultural use of the site and for no other purpose.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is sought to erect an agricultural shed to the west of an existing agricultural shed. The application also seeks to erect extensions to the north and south elevations of the existing agricultural shed. Hard standing surrounds the existing shed to the east and south.

The extensions to the existing shed, will mirror the scale, form and size of the proposed shed.

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

The application was deferred to seek further information in respect of the proposed development. The applicant has set out in the e-mail of 1st November 2022 that:

- The new shed to the west will be used to house a mix of cattle, machinery and hay.
- The existing farm has increased the number of cows on site which were transferred from another farm which has meant that the farm has exceeded maximum capacity, resulting in machinery and cattle to be forced outside.
- It is advised through RSPCA regulations that Youngstock should be able to be sheltered during periods of bad weather which is not currently achievable.
- The extensions and shed to the west will be comprised of steel with a fibre cement roof. The gables will be cladded in timber and the sides will be open, replicating the same appearance as the current shed.

It is further noted in the applicant's e-mail of 5th December that:

- The land parcel to the north of Route de Pleinmont is not large enough to facilitate the additional building/storage requirements regardless of adaptation as the herd has expanded, together with the need for further dry storage.
- In addition to the cattle currently on the farm, an additional number of youngstock (circa 100) are located throughout the island grazing on open

grassland without any structured shelter available and therefore will benefit from the proposed development.

Relevant History:

FULL/2016/1579	Erect agricultural barn, silage storage area and associated access/service track.	Granted
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Existing Use(s):

Agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

Conclusion/Brief comment:

Following a site visit to the premises, the existing shed is used to store hay bales, cattle, agricultural equipment and presumably fertiliser. A number of cows and pens were located to the west of the shed where the proposed shed would be sited.

Policy OC5(A) states that:

“Proposals for development relating to the agricultural use of an existing farmstead or existing agricultural 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.”

Information has been submitted which indicates that there are no other buildings or structures on the application site which could be used or adapted for the scale of facilities and the proposed use required and that the existing principal agricultural use would remain. The additional number of cattle on the farmstead, coupled with the additional need for dry storage and associated machinery, is considered

satisfactory justification for the proposed extensions to the existing agricultural shed and the proposal is compliant with Policy OC5 (A).

Due to the open-sided design of the structure, coupled with its scale and form and the scale and form of the existing agricultural building and structures on the site, the proposed new shed and extensions to the existing shed, would not cause unacceptable harm to the open landscape character of the area, surrounding built environment, or visual amenity to justify refusal, despite being highly visible in public vantage points.

There will be no adverse effects on the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 20/12/22