

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish existing outbuildings, erect detached agricultural store to accommodate a small tractor, tools and animal feed.

LOCATION: Field Opposite La Jaoniere, Rue De La Greve, Vale.

APPLICANT: Mr & Mrs P Cairns

I refer to the application referred to below received as valid on 05/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/10/2023

Drawing Nos: Torode Architects - 6070 - 28G.

Application Ref: FULL/2022/1703

Property Ref: C015570000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. It has not been demonstrated that a shed of the size proposed is ancillary or proportionate to the nature and scale of the use of the land for informal leisure and recreation purposes (in this case for the growing of crops, fruit trees, and the keeping of chickens and bees). The proposal is contrary to part (i) of Policy OC9. As the proposal does not accord with all of the relevant policies of the Island Development Plan, the proposal also conflicts with Policy OC5(B).

2. The introduction of a shed of a domestic nature of this size and in this location would disrupt the undeveloped nature of the land, and would not respect the landscape character of the area. The proposal is contrary to part (ii) of Policy OC9 and Policy GP1.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1703
Property Ref: C015570000
Valid date: 05/10/2022
Location: Field Opposite La Jaoniere Rue De La Greve Vale Guernsey GY3 5AE
Proposal: Demolish existing outbuildings, erect detached agricultural store to accommodate a small tractor, tools and animal feed.
Applicant: Mr & Mrs P Cairns

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been demonstrated that a shed of the size proposed is ancillary or proportionate to the nature and scale of the use of the land for informal leisure and recreation purposes (in this case for the growing of crops, fruit trees, and the keeping of chickens and bees). The proposal is contrary to part (i) of Policy OC9. As the proposal does not accord with all of the relevant policies of the Island Development Plan, the proposal also conflicts with Policy OC5(B).
 2. The introduction of a shed of a domestic nature of this size and in this location would disrupt the undeveloped nature of the land, and would not respect the landscape character of the area. The proposal is contrary to part (ii) of Policy OC9 and Policy GP1.
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OFFICER'S REPORT

Site Description:

The site formerly known as 'Le Hurel Vinery' (now in the same ownership as the property to the west, La Jaoniere) is a large, approx. 4325sqm, field which had three large glasshouses and associated buildings. The glasshouses have deteriorated and three structures barely remain on site - A garage at the northern end of the field, a pigeon coop along the south of the eastern boundary and a packing shed in the southeast corner. There are neighbouring detached properties to the north and west across the road and across the road to the south. To the east is open fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1695 - Erect summerhouse with covered area to south boundary of agricultural land – Withdrawn 29/03/2023.

FULL/2022/1705 - Remove wall to create an additional vehicle access to field – Refused February 2023.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

The application was one of two submitted on this site, the first for the erection of a summerhouse, whilst the other proposed to demolish the existing outbuildings and erect a detached garage/mower store to agricultural land.

The applications were both deferred for the first time for the following reason: *'at present it is very difficult to ascertain exactly why these applications have been submitted. There were no supporting letters or any description of the applications submitted to explain the clients reasoning.'* It went on to explain that a summerhouse is a domestic structure which could not be placed on agricultural land, and that there could be an opportunity to place *'an appropriately sized storage structure for equipment that relates to agricultural land..... We would require more information on the reason for the structure, and what it would be storing to allow a comprehensive assessment to be made.'*

Amended drawings (received on the 20th January 2023) showing two agricultural buildings were subsequently submitted with a supporting letter to outline the reasons, *'Rewild the land with wildflowers; use part of the land as an orchard for fruit trees; some fruit trees already exist; keep beehives; the agricultural buildings would be to store all the necessary equipment 'on site to look after beehives and prepare the resulting honey and the fruit from the fruit trees. This site once restored will need a good deal of storage to store the necessary equipment to support the land.'*

A second deferral letter was sent on the 3rd February 2023, stating that once the land was cleared and reverts back to agricultural land policy OC5(B) would be the key policy. It was suggested that one of the structures was omitted, the letter also stated;

'You will need to provide a detailed demonstration of the use of the building and site to show that there is a requirement for a building of the style proposed and that the design is suitable for that purpose. A minor departure from the Island Development Plan will need to be requested because at present there is no agricultural holding or farmstead in use on the field, so the application cannot comply with all of the criteria of Policy OC5(B).

In light of the above it is suggested that you withdraw one of the applications and provide the following information in respect of the remaining application;

- Details of the intended agricultural use of the land,*
- Explanation of the requirements for the building, and*
- Consideration of the proposed design to ensure it is appropriate for purpose and minimise visual impacts.'*

Amended drawings and a brief letter were received on the 27th March 2023, which showed a 36sqm timber framed structure, the justification for the structure in the letter was as follows;

'The applicant wishes the planning service to know that he actually intends to also demolish the existing ramshackle buildings on the site which include the large office/shed, tall pigeon coop and the old unused concrete water tower. The applicant is also considering having chickens on the land. The building shall be used for a small tractor, agricultural tools and machinery to enable him to tend the land and should he keep chickens, the building will also provide storage for chicken feed.'

A third deferral letter was sent on the 4th April 2023, noting the size of the building at 36sqm, and requesting justification for the use of the building and details of what the land is to be used for. A minor departure was also requested.

Amended drawings and an email with some justification were received on the 8th June, the amended drawing showed a larger building, 38.8sqm with five machines and three storage cupboards. The land remained undeveloped and the justification was as follows;

In terms of equipment I plan to store a cultivator, as it's a large area to dig if I want to grow vegetables there.

I do plan to have chickens, so need a secure dry storage cabinet to keep it dry and rodent safe. I also plan to have bees and need to store equipment like the clothes and equipment to harvest the honey etc.

I have bought a log splitter which I want to store in the shed as well as a mini trailer and mini tractor. Plus the usual garden tools, hedge trimmer as I need to maintain the hedges along the road, chain saw, garden tools, shears, parrot beaks, spade, fork, rakes, etc.

It's a large area so I plan to buy a small ride on lawn mower to mow the grass plus a smaller lawn mower to cut the grass around the trees. Is that enough, I do need areas big enough to store the machines, mini ATV, trailer, lawn mowers and storage for feed as these all take up a lot of space.'

A fourth deferral letter was sent on the 13th June 2023, which stated that the justification for a structure of 38.8sqm was still unconvincing, as some of the activities were not considered as purely necessary for agricultural purposes.

It was requested that all of the domestic gardening items were removed from the application and that from the description of the items of machinery noted to be required for agricultural purposes, it was considered that the building could be significantly reduced in size. It was suggested that the dimensions of the machinery items and details would help to design a more appropriately sized store. It was also noted that the drawing lacked detail of what would be happening where on the land.

The final amended drawing was received on the 14th September showing a proposed layout of use on the site for chicken coops, and beehives, an area for growing vegetables and fruit trees, a wildlife patch and grassland. However, the agricultural structure, subject of this application, remained at 38.8sqm to house four machines, two cupboards and a workbench.

No supporting letter or further justification was submitted and no minor departure has been requested.

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

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

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The site does not form part of an existing farmstead or agricultural holding. Policy OC5(B) supports development which is not related to a farmstead or agricultural holding provided that it accords with all the relevant policies of the Island Development Plan.

Policy OC9 supports new facilities for informal leisure and recreation uses where development proposals are designed to meet a recognised demand providing that any ancillary built development is proportionate to the nature and scale of the informal leisure and recreation use; the visual impacts can be mitigated to respect the character of the locality; and where the site falls within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.

The proposed form of development, to construct a 38.8sqm timber shed to maintain the land and for growing for the personal consumption of the owners of the land, is not

specifically identified as an informal leisure and recreation use. However, informal leisure and recreation uses include allotments and it could be argued that if the proposed shed was clearly ancillary and essential to the use of the site for growing for the personal consumption of the owners of the land, the use would be similar in nature to an allotment. As such it is considered that Policy OC9 could provide a gateway for a small shed to be erected on the land.

However, the information submitted has not provided enough details about the scale and nature of the proposed activities on site, other than making reference to an intention to grow a small number of fruit and vegetables, some fruit trees, as well as chicken and bee keeping. Furthermore, the site is currently unused and therefore justification on the basis of need is undemonstrated. It may be possible, had the applicant submitted a request for a minor departure to consider the proposal without the requirement of the site being actively managed, however, without clear details of the nature and scale of the proposed use of the land for the activities, it has not been demonstrated that a shed, and particularly a shed of this size, is ancillary or proportionate to the nature and scale of the proposed use of the land for informal leisure and recreation purposes and there is no clear recognised demand for siting a shed in this location. The proposal is therefore contrary to Policy OC9(i).

As the proposal does not accord with all of the relevant policies of the Island Development Plan, the proposal also conflicts with Policy OC5(B).

The proposal would not result in any loss of any distinctive features within the landscape character, however the size of the structure is not considered to respect the landscape character of the area.

The form and scale of the proposed agricultural building is considered overly large for the size of the land, and therefore does not achieve a good standard of design.

In this instance the recommendation of the application is one of a refusal.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 03/10/2023

