

**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:** Variation to previously approved plans to erect packing shed - alterations to fenestration to all elevations (Retrospective).

**LOCATION:** Land at, Hougues Magues Lane, St. Sampson.

**APPLICANT:** Mr & Mrs A Leadbeater

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:** 09/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block Layout Plan; Hand drawn A4 plans No.1, 2, 3, 4, 5,

**Application Ref:** FULL/2023/0037

**Property Ref:** B013340000

**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 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.

3.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission to erect a packing shed issued 25/05/1990, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

**Expiry Date: This permission will cease to have effect on 08/03/2026 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

For the avoidance of doubt, the building to which this application relates is authorised as a packing shed, for purposes ancillary to and associated with the agricultural use of the land.

Notwithstanding the annotation on the submitted plan, the laying of hardsurfacing would not comprise exempt development and any such work would require a separate application for planning permission.

**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/2023/0037  
**Property Ref:** B013340000  
**Valid date:** 13/01/2023  
**Location:** Land at Hougues Magues Lane St. Sampson Guernsey  
**Proposal:** Variation to previously approved plans to erect packing shed - alterations to fenestration to all elevations (Retrospective).  
  
**Applicant:** Mr & Mrs A Leadbeater

**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.

2. 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.

3. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission to erect a packing shed issued 25/05/1990, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

## **INFORMATIVES**

For the avoidance of doubt, the building to which this application relates is authorised as a packing shed, for purposes ancillary to and associated with the agricultural use of the land.

Notwithstanding the annotation on the submitted plan, the laying of hardsurfacing would not comprise exempt development and any such work would require a separate application for planning permission.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises a 6333sqm area of agricultural land located to the east of Hougues Magues Lane. The site access is located centrally in the west boundary, serving an area of hardcore, a small store and the packing shed which forms the subject of this application. The packing shed is constructed to a wind and watertight state. A further small store is located to the north of the site.

The site is located Outside of the Centres in the Island Development Plan.

### **Relevant History:**

An application for the erection of a packing shed was approved in 1990. Work was lawfully commenced on the implementation of that permission. Case Law has established that planning permission, once commenced, cannot be abandoned and therefore it was agreed 07/09/2022 that works could continue to implement the permission, on the understanding that the building can only be used as a packing shed in association with an agricultural use of the land.

### **Existing Use(s):**

Agricultural Use Class 28

### **Brief Description of Development:**

Permission is sought in retrospect under this application to vary the previously approved plans to erect a packing shed, altering the fenestration to all elevations of the building.

The submitted plans indicate an area of hardstanding to the south of the building as exempt development. The laying of hardstanding would not however comprise exempt development in the context of this site, which comprises agricultural land

with an ancillary building, and the agent has agreed that the hardstanding can be omitted from this application.

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

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

GP8 Design

GP9 Sustainable Development

**Representations:**

One letter has been received raising the following points:

- The building is not a packing shed, it is a dwelling and bears no resemblance to the building originally approved;
- The next application will be for a change of use;
- Retrospective permission should not be granted, as works should not be undertaken without planning permission.

**Consultations:**

None undertaken.

**Summary of issues to be considered:**

Impact on the visual amenity and 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).**

The packing shed which has been constructed at the above site, with the exception of the detailed position and design of the fenestration, accords with the approved Planning and Building Control documents. That shed is for purposes ancillary to the agricultural use of the land and alteration to it would be supported under Policy OC5(B).

The fenestration has been altered as shown in the table below, and retrospective consent is sought for those alterations.

| Elevation    | Approved                                                         | Proposed                            |
|--------------|------------------------------------------------------------------|-------------------------------------|
| West (front) | Doubles doors with upper glazed panels<br>2no three pane windows | Single solid door<br>3no windows    |
| South        | None                                                             | Double solid doors with access ramp |
| North        | 1no three pane window                                            | 1no window                          |
| East         | Single door with upper glazed panel<br>2no three pane windows    | Single solid door<br>Single window  |

Overall, the proposals comprise a reduction in the number and size of fenestration and would not have any adverse impacts on visual amenity, character or neighbour amenity, in accordance with Policies GP8 & GP9. Double doors are retained, to the south elevation, which would enable access to the building by any machinery necessary in association with the use of the land.

It is noted that the application is made in retrospect, and the undertaking of unlawful works is not something which would be encouraged or supported by the Authority. The fact that an application is made in retrospect is not however, in itself, sufficient to justify refusal where a proposal otherwise meets with the purpose of the Law, material considerations and relevant planning policies.

Matters raised in the letter of representation in relation to potential future development at the application site would need to be subject of separate application for planning permission, if proposed by the applicant. Each planning application must be considered on its own merits and against the planning policies in place at the time and cannot influence the consideration and determination of this current application.

In light of the above, it can only be concluded that the application accords with planning policy and approval is recommended.

**Date:** 08/03/2023

