

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: Change of use of outbuildings to be used for Tree Surgery Business (Storage and Distribution Use Class 22)(Retrospective).

LOCATION: Le Gron Farm, Rue Du Gron, St. Saviour.

APPLICANT: Mr A Hall

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: 28/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH: AH-23-002-01A.

Application Ref: FULL/2023/0249

Property Ref: E000160000

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.No use of the premises shall be carried out other than between 07:30 hours and 16:30 hours on Mondays to Fridays, and 08:00 hours and 12:00 noon on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the rural environment.

4.Within two months of the date of this permission a landscaping scheme, to include a planting schedule, noting the sizes, numbers and densities of hedge plants as shown on the approved plans shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The barn shall be used only for the tree surgery businesses as set out in the application submission (Storage and Distribution Use Class 22) and for no other purpose including any other purpose in Use Class 22 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.

6.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no change of use to any other use authorised through Class 8 of the Exemptions shall be undertaken without the express, written permission of the Development & Planning Authority.

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.

Expiry Date: This permission will cease to have effect on 27/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Permission is granted for a storage and distribution use (Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017. This permission does not extend to regular, on-site chipping of logs which represents a general industrial use. If the level and frequency of chipping on site increases and intensifies this may represent a material change of use for which permission is required. Please contact the Planning Service should this, or other aspects of the business operation, change to enable the matter to be considered more fully and, if necessary for an application to be submitted which will be the subject of all the usual advertising processes.

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/2023/0249
Property Ref: E000160000
Valid date: 06/04/2023
Location: Le Gron Farm Rue Du Gron St. Saviour Guernsey GY7 9FR
Proposal: Change of use of outbuildings to be used for Tree Surgery Business (Storage and Distribution Use Class 22)(Retrospective).

Applicant: Mr A Hall

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 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. No use of the premises shall be carried out other than between 07:30 hours and 16:30 hours on Mondays to Fridays, and 08:00 hours and 12:00 noon on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the rural environment.

4. Within two months of the date of this permission a landscaping scheme, to include a planting schedule, noting the sizes, numbers and densities of hedge plants as shown

on the approved plans shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The barn shall be used only for the tree surgery businesses as set out in the application submission (Storage and Distribution Use Class 22) and for no other purpose including any other purpose in Use Class 22 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.

6. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no change of use to any other use authorised through Class 8 of the Exemptions shall be undertaken without the express, written permission of the Development & Planning Authority.

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.

INFORMATIVES

Permission is granted for a storage and distribution use (Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017. This permission does not extend to regular, on-site chipping of logs which represents a general industrial use. If the level and frequency of chipping on site increases and intensifies this may represent a material change of use for which permission is required. Please contact the Planning Service should this, or other aspects of the business operation, change to enable the matter to be considered more fully and, if necessary for an application to be submitted which will be the subject of all the usual advertising processes.

OFFICER'S REPORT

Site Description:

The main house at Le Gron Farm, Rue Du Gron is currently vacant. Two detached buildings are situated to the east of the main farm and a modern agricultural building is situated to the north of these. A vehicular access exists from Route Des Bas Courtils and opposite La Planque and provides access between the detached buildings and beyond them. To the rear/north of the barns is an area where logs are currently stored along with piles of wood chipping with associated machinery. Land to the east, north and south is open and undeveloped agricultural land. Residential properties are situated to the west of Rue Du Gron.

The site is located Outside of the Centres, within the Agriculture Priority Area and Airport Consultation Zone.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application is retrospective and now seeks temporary permission for the use for a period of three years following an enforcement investigation. The supporting information sets out that a temporary permission would be appropriate whilst the applicant makes the site their family home (currently vacant and in need of upgrading) and whilst the IDP is under review. It also notes that the farmland itself is tenanted and this will continue.

With regard to storage, the existing site access and driveway is used, and the storage takes place on existing areas of hardstanding and within existing established barn buildings (which do not currently contribute to the APA having been vacant and disused for more than 10 years) and which represents brownfield land. The submission outlines that the use does not encroach onto farmland and accounts for just 4% of the entire 25 acre land parcel (Cadastre). There is no open storage of materials other than woodchip but much of this relates to tree clearance on the site. It is clarified that no members of the public visit the property and the storage is for the operators specified in the submission. The application submission also makes reference to appropriate planning conditions relating to access times, storage locations etc.

The submission sets out that the three parties accommodated at the site have struggled to find appropriate premises for the nature of their storage activities. The three businesses operate between 07.30am and 4.30pm on weekdays and 08.00am and 12 noon on Saturdays with no working on Sundays or Bank Holidays except in an emergency.

Barn 1 – occupied by Arbology Tree Services who have 4 members of staff and use three land rovers towing a wood chipper, trailer or stump grinder. The submission states all these are stored inside the barn at all times.

Barn 2 – occupied by CVTS who have three members of staff and use two land rovers (one cherry picker) with a towable woodchipper, trailer and excavator along with one tractor which is parked in Barn B or to the rear of the barn.

Barn 3 – occupied by Guernsey Tree Services who have three members of staff using two land rovers with towable wood chipper, trailer, log loader, splitter and stump grinder which are stored in Barn 3.

The submission sets out that logs and wood chips are stored at the back of the barn, an area identified as being unusable as agricultural land because the area floods after heavy rain. Logs are a by-product of the businesses operating from the site, stored there until they are processed for firewood/delivered off-site for people to process themselves. It is not stored on site for long periods of time and there is a 'no cut' policy on site to minimise noise generation. Timber is cut on work sites to avoid noise generation at the farm. Wood chipping generally takes place on the work site but that there are occasions when chipping at the farm is necessary (between 10am and 4pm) and never during weekends.

The application proposes screening to an internal east boundary (blackthorn/hawthorn hedge).

The application drawings included an "assumed" curtilage for the farmhouse however, a Property Search has not been undertaken in order to formally confirm the recognised domestic curtilage associated with this farm. The agricultural barn that is the subject of this application is unlikely to be recognised as a domestic outbuilding as it is clearly agricultural in its design and appearance. The application was deferred in order for this matter to be addressed.

Although the block plan site boundary has been amended the site location plan boundary has not. For the avoidance of doubt, the application has been assessed on the basis of the red line boundary shown on the block plan, submitted 11/07/2023.

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

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP16(A): Conversion of Redundant Buildings

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted requesting that no use of chainsaws/wood chippers be permitted as this has caused nuisance and distress over the last two years.

One letter has been received in support of the application welcoming the reuse and repair of the buildings and the provision of buildings for small businesses to operate from.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the change of use and whether appropriate justification has been provided for the business to operate from this site Outside of the Centres along with matters relating to residential amenity and highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy OC5(A) sets out that proposals resulting in the loss of an existing farmstead or agricultural holding may be supported where it is demonstrated that it is no longer required for agricultural purposes. In this case the argument presented is that the buildings have been unused for more than 10 years and that the agricultural land is tenanted, remains in active use, but without the need for farm buildings at Le Gron Farm. The permission is also for a temporary period, after which time, the authorised use of the buildings would revert to agricultural for planning purposes.

Policy OC3 clearly specifies that new storage and distribution uses may be situated Outside of the Centres only where there is a justifiable need for the business to be

located outside any of the Centres due to the special nature or requirements of the business operation or due to a lack of suitable alternative sites in the Centres. The submission sets out that the three operators have been unsuccessful finding other suitable premises. It is also recognised that the arboricultural operations would reasonably be operated from Outside of Centre locations given the nature of the operations but also the requirements of the business for machinery and log/chip storage. In this regard therefore, the scheme accords with Policy OC3.

Policy OC3 also requires the proposal to represent a brownfield site or the conversion of a redundant building. As agricultural buildings well connected to agricultural land that is actively farmed it could be difficult to demonstrate that they are no longer required or capable of being used for their last known/current purpose, contrary to Policy GP16(A). Nonetheless, the fact that the agricultural land is actively farmed without the use of the barn and that they have remained vacant for quite some time does add weight to the argument that they are not required for their last known purpose.

The submission argues that the scheme relates to brownfield land. Brownfield land is defined in the IDP as:

Also known as 'previously developed land'. Land which is, or was, occupied by a permanent building or structure and infrastructure such as roads. It also includes land within the curtilage of an existing building. It does not include land used for agricultural or horticultural purposes, fortifications, or sites where a structure is disused and now forms an integral part of the open landscape.

In view of the above, the scheme would satisfy Policy OC3 in this respect given that the application relates to the reuse of a substantial barn which was constructed around the 1970s.

The development does not require external alterations to the buildings associated with the change of use proposed and the functional appearance of the barn represents a good standard of design that respects the character of the open landscape concerned. Bringing the building into use when it has been vacant, perhaps because the farmhouse has also been vacant, contributes towards efficient and effective use of land through the reuse of an existing building.

The development will not result in harm to residential amenities in terms of sunlight/daylight and privacy. As the public consultation highlights however, consideration should be given to the noise associated with the proposed development and its potential impact on residential amenity. As a storage and distribution use this would not involve the use of logging or chipping machinery which would represent an industrial use. Nonetheless, an element of wood chipping work may be undertaken on the basis that it is very occasional and incidental/ancillary to the principal storage and distribution use without it amounting to a material change of use for industrial purposes. This does not prevent

the Planning Service implementing a planning condition/s relating to this activity nor the use of informative notes to highlight that if the chipping aspect of the development intensified it could require planning permission through which a further assessment of the, expanded, industrial aspect of the development could be undertaken and, if deemed to accord with all relevant policies, could further be managed by condition.

As revised, the application has identified a narrow strip of land to the north of the barn associated with the proposed use along with the access road, which also serves agricultural land, and the yard/hardstanding to the south of the barn. Planning conditions can be imposed relating to external storage however, vehicles parked to the front of the barn would not be highly visible and therefore it is not considered necessary to impose a condition in relation to that part of the site. The narrow strip of land north of the barn would also allow for very limited external storage with limited visual impact in the wider area. On this basis and in this particular case a condition relating to external storage is not considered appropriate.

It is noted that the application submission requests a temporary permission for a three year period however, as set out in this report, the proposal accords with the requirements of the Island Development Plan and the storage and distribution use proposed is therefore acceptable permanently. There is no justification therefore, to require this use to be limited for specific period of time. It would be for the tenants/building owner to negotiate the use of the building for the short or long term. As outlined above, should other activities occur on the application site that do not fall within the storage and distribution use class a further application would be required. The application has been assessed specifically on the basis of the business/operational requirements of the arboricultural operators and not any, general storage and distribution operator. It is therefore reasonable and necessary to remove exemption rights regarding the use of the premises having regard to the permitted changes that could ordinarily take place without the specific grant of planning permission. This is to ensure that any other use of the buildings can be properly assessed in terms of their possible impacts, on residential amenity in particular.

It is recommended permission is granted for the proposed use for the hours as outlined in the submission and that exemption rights are removed.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 27/07/2023

