

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 earthbanks and alter vehicle access to south boundary, erect earthbanks and lean-to store on agricultural land (retrospective).

LOCATION: La Varende (East), Rue Du Coemil, St. Pierre Du Bois.

APPLICANT: Miss D Hirst

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: 21/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates - 22-040-02A & 03

Application Ref: FULL/2023/0671

Property Ref: F015460000+F015470000

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.Within three months of the date of this permission remedial works or the reconstruction of earthbanks 3 and 4 approved to either side of the vehicular access shall be fully constructed in full accordance with the guidance contained on page 3 of Conservation Advice Note 3 - Earth Banks in Guernsey and the timber lining on the internal face shall be removed from the banks and the site.

Reason - The earthbanks have not been constructed in accordance with the advice note regarding the traditional construction of earthbanks. The timber planking to the internal face of banks 3 and 4 has not been justified and is not a feature of earthbanks generally.

5.Notwithstanding the position of structure B (horsebox) as shown on the approved plans, this permission expressly precludes the retention or siting (in position shown or in any other location on the site) of the horsebox on the application site.

Reason - The horsebox does not represent an appropriate means of storage on agricultural land and the siting of the horsebox on the land would have a detrimental impact on the character and appearance of the open landscape concerned.

Expiry Date: This permission will cease to have effect on 20/11/2026 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 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/2023/0671
Property Ref: F015460000+F015470000
Valid date: 01/06/2023
Location: La Varende (East) Rue Du Coemil St. Pierre Du Bois Guernsey
Proposal: Erect earthbanks and alter vehicle access to south boundary, erect earthbanks and lean-to store on agricultural land (retrospective).

Applicant: Miss D Hirst

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).

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. Within three months of the date of this permission remedial works or the

reconstruction of earthbanks 3 and 4 approved to either side of the vehicular access shall be fully constructed in full accordance with the guidance contained on page 3 of Conservation Advice Note 3 - Earth Banks in Guernsey and the timber lining on the internal face shall be removed from the banks and the site.

Reason - The earthbanks have not been constructed in accordance with the advice note regarding the traditional construction of earthbanks. The timber planking to the internal face of banks 3 and 4 has not been justified and is not a feature of earthbanks generally.

5. Notwithstanding the position of structure B (horsebox) as shown on the approved plans, this permission expressly precludes the retention or siting (in position shown or in any other location on the site) of the horsebox on the application site.

Reason - The horsebox does not represent an appropriate means of storage on agricultural land and the siting of the horsebox on the land would have a detrimental impact on the character and appearance of the open landscape concerned.

OFFICER'S REPORT

Site Description:

The site is situated to the north of Rue Du Coemil which occupies a clifftop location in St Pierre Du bois. Open and agricultural land exists to the north, south and east of the site with a small cluster of residential properties situated to the west of the site along with further open land.

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

Relevant History:

None.

Existing Use(s):

28 agriculture

Brief Description of Development:

The retrospective application relates to the erection of earthbanks on the site and the submission sets out that two banks to the north of the field (banks 1 and 2) have been formed to provide protection for crops being/to be grown on the site. The two

banks to the boundary with Rue du Coemil (banks 3 and 4) have been erected to screen the field from the highway with a dedicated access point suitable for vehicles using the narrow lane, Rue du Coemil. The finish of the banks has not yet been applied but would be finished with turf. Banks 3 and 4 would have timber planks mixed with sawn logs to the northern faces and with northern face of the access banks receiving a natural loose laid stone to the lower slope areas.

The application also proposes to retain a horsebox on the site which is noted as being moved on a regular basis and is currently used for storage associated with the activity on the site and which cannot be stored elsewhere on the land. The application drawings do however, only show one location on the site for the horsebox. A lean-to structure (timber frame with timber cladding) is also proposed to be retained on the site which will be used to house animal feed and items that cannot be left on the field during the winter months in this exposed location.

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Guernsey Farmers Association – no comments received.

Summary of Issues:

The key issues in this case relate to the effect of the proposals on the character and appearance of the locality. Consideration should also be given to the effect of the earthbanks on the function of the agricultural land which falls within the Agriculture Priority Area.

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.

Banks 1 and 2

Policy OC5(A) sets out that within Agriculture Priority Areas there will be support for development which is related to agricultural use (farmstead or holding) and for development ancillary or ordinarily incidental to the principal agricultural use but may not, of itself, be an agricultural use.

The banks have been indicated to offer protection for crops to be grown on the site, although these would not be in connection with a commercial agricultural/horticultural operation. Nonetheless, the banks would not undermine the use of the land, within the APA for agricultural purposes be that arable or livestock and would be ancillary and incidental to the principal use.

Earthbanks are a common feature of the island and although generally used to define field boundaries the banks used within the site would respect the landscape character and not result in the loss of a specific, distinctive feature. Furthermore, the development would not particularly alter visual access to open and undeveloped land in order to comply with Policy GP1.

It is noted that the application drawings do not accurately reflect the banks as currently seen on site, particularly bank 1 where there is a break in its construction to allow access, with a timber pergola, to the enclosed vegetable patch beyond. Nonetheless, the bank itself remains satisfactory in terms of the requirements of the IDP. However it should be noted that approval is given only for those works indicated on the approved plans and should be carried out in accordance with those approved plans.

Banks 3 and 4

As indicated above, earthbanks are commonly used to form field boundaries and are a feature of the locality. This aspect of the proposal therefore accords with the aims of the IDP in all respects. The formation/provision of a suitable vehicular access to the site is also appropriate in terms of offering appropriate access for vehicles/farm machinery etc for land management/maintenance.

The application drawings state that these banks have been formed in accordance with Advice Note 3 to the external face. The interior faces have been lined with timber planking, logs and stone which is not in accordance with the Advice Note and is not characteristic of the appearance of earthbanks and nor does it serve any particular purpose in terms of the recognised agricultural use of the land. As a result, although it is recommended permission is granted for these banks appropriate conditions should be imposed to ensure that they are constructed fully in accordance with the Advice Note. This will require the removal of the timber retaining structure placed on the inner face of the banks.

Lean-to timber structure

At the time of the site visit the building was used for wood storage as no animals were present on the site. It is noted from the submission however, that its intended use is for animal feed. Although the floor area and height of the building is such that it could represent exempt works the building has been constructed following excavation down 50cm on the agricultural land.

Policy OC5(A) does make provision for development not related to a farm or agricultural holding and also in relation to hobby farms and small holdings. Paragraph 17.3.2 of the IDP considers that current agricultural practise in Guernsey centres on the dairy industry but also includes outdoor vegetable growing and a range of hobby farming and small holdings.

Policy OC5 supports proposals for development relating to the agricultural use of an existing farmstead, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, where there are no other buildings or structures which could with, or without reasonable adaptation be otherwise used for the proposed purpose.

This site is not currently part of an existing farmstead or commercial agricultural holding and, although there is a bunker on site this is not currently readily accessible and there are no other buildings available for the storage of feed for animals that the applicant may choose to keep on the site (grazing of animals represents an agricultural use).

The lean-to is modest in size and height and is positioned close to the site boundary. The building is substantially screened by the existing site boundaries and banks 1 and 2 that have been constructed across the site.

The limited size of the shed combined with its careful positioning will not undermine the commercial function of the Agriculture Priority Area or the function of this field for agricultural purposes. The size, height and timber clad appearance of the building represents a good standard of design that respects the open landscape concerned. The shed will not result in harm to residential amenity.

Horsebox

The retention of a horsebox for storage is proposed as part of this submission with an indication that it would be moved regularly. The application drawings show it in a single location however, with no other positions for its siting indicated. The provision of a horsebox for storage whether moved or retained in one position would not be appropriate in terms of its design and appearance and would have a detrimental impact on the character and appearance of this rural location. As this is shown on the drawings to be approved a condition, with associated annotation on the

approved plans, will be necessary to expressly preclude this aspect from the approved scheme.

Conclusions

Banks 1 and 2 within the site are considered to comply with the requirements of the IDP. Banks 3 and 4 are also considered acceptable but have not been constructed appropriately therefore a condition is necessary in order to address this. The lean-to shed structure is acceptable in association with the agricultural/horticultural use of the site. The horsebox is not considered justified as a means of overflow storage on the site and would be detrimental to the rural location contrary to the aims of the IDP and is to be omitted from this approval.

It is also noted that various other works have been carried out on site that are not shown on these application drawings, although the Planning Service has invited the drawings to be amended to include such works. These works include but are not limited to, excavation of ground to the south of bank 2, pergola dissecting bank 1 and excavation works/cutting into the bank to form a seating area in the northeast corner of the site. These remain unauthorised and may be the subject of further enforcement investigation.

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. These issues where relevant have been considered in the assessment of this application.

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: 17/11/2023