

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: Demolish existing outbuilding and erect agricultural shed to north of site (revised scheme).

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

APPLICANT: Mr & Mrs P Cairns

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: 08/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architecture - 6070 - 28J

Application Ref: FULL/2023/2183

Property Ref: C015570000

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.Prior to first use of the hereby approved agricultural shed, the structures shown to be demolished on the approved plan 6070-28J shall be demolished and all ancillary materials removed from the site.

Reason - To make sure the development takes the form hereby permitted and to comply with Policy OC7.

Expiry Date: This permission will cease to have effect on 07/12/2026 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/2023/2183
Property Ref: C015570000
Valid date: 02/11/2023
Location: Field Opposite La Jaoniere Rue De La Greve Vale Guernsey
GY3 5AE
Proposal: Demolish existing outbuilding and erect agricultural shed to
north of site (revised scheme).

Applicant: Mr & Mrs P Cairns

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 shall be begun within 3 years from the date of grant of this permission.

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OFFICER'S REPORT

Brief Description of the site:

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/2022/1703 - Demolish existing outbuildings, erect detached agricultural store to accommodate a small tractor, tools and animal feed – Refused October 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:

This application is to demolish all of the existing outbuildings on the site and erect a small detached agricultural store to house a small tractor and trailer, a cultivator, tools and bee keeping equipment and a dry storage cabinet for chicken feed.

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:

There has been one letter of representation and the issues are:

- This site is a former vinery site, with derelict glass now removed. It is on the junction of Le Hurel with Hougues Peres. I note from the plan attached to Application Ref:2023/1688 submitted earlier this year that this land was clearly stated to be agricultural land. However, the current plan contains what appears to feature the use of the land as domestic garden allotment, with e.g. chicken coop and run and domestic vegetable patch. This is recreational use, not agricultural use. However, the field does not appear to fall within the curtilage of La Jaoniere as it is across the road.
- Under the Land Planning and Development (Guernsey) Law, 2005, certain land which is, or was, covered by glasshouses must be treated as agricultural land for the purpose of the Law and any development plan. Policy LP13 of the Strategic Land Use Plan encourages the removal of redundant glasshouse structures and promotes the use of land to make a positive contribution to agriculture and/or open land in the first instance. However, certain agricultural land, which is horticultural land or a redundant glasshouse site, will be considered against the specific policies relating to this particular type of agricultural land because of the particular land planning issues it raises. Therefore Policy OC7 applies. The Policy does not allow for the building of sheds on agricultural land, other than those used within the scope of the Policy for small scale industrial purposes. If the land is to be returned to agricultural use the derelict horticultural sheds should be removed in accordance with Policy OC7. From knowledge of my own family living in the immediate area for 60+ years they are not "agricultural" sheds as described in the accompanying letter.
- The removal of the glasshouses has created a pleasing open aspect with picturesque views across the neighbouring field towards Mont Paisant, a Heritage listed cottage. From Hougues Peres, there is also a pleasing open view towards La Jaoniere cottage. The lanes in this area are very attractive to walkers, have significant landscape value and provide a useful public amenity. The field has potential to add to the network of agricultural land in the vicinity, as it is adjacent to another field. It also adds to the wildlife corridor from L'Ancrese common and the Marais through to the quarries at Hougues Peres. There is a rich variety of wildlife in the area that should be supported, from raptors to diverse insect life. In my view the site is capable of being used for agricultural purposes and it would contribute positively to the wider area of open land. It offers a welcome contribution to the landscape and public amenity in the Vale.
- It is my understanding that the non-commercial production of food and flowers by individuals outside of residential curtilages on allotments is considered to be informal outdoor recreation and is addressed by Policy OC9. Paragraph 18.1.5 of the Island Development Plan 2016 states:

"Public access to the countryside and the recreational opportunities it affords underpins the high quality of life enjoyed by Guernsey residents. The Strategic Land Use Plan states that of equal importance is the visual access to open space, which in a small Island can provide valuable amenity. The Strategic Land Use Plan highlights the importance of the Island's biodiversity and the need to protect key habitats and landscapes, including Sites of Special Significance and the most valuable agricultural land. There is often a conflict between the uses of these areas for recreational purposes, even informally, and the protection of the habitat or landscape needs to be carefully considered and appropriately balanced with other legitimate land uses."

- The field is not large and it is surprising to me that the Applicant considers it necessary to build a shed for the purpose of maintaining this patch of agricultural land when much larger fields do not require such structures. The proposed shed appears to be required for the maintenance of the apparent allotment illustrated in the plan i.e. informal, recreational gardening and is not a legitimate use of agricultural land.
- It would be unacceptable if granting the application to erect a new shed on the property opened a gateway to alternative and more substantial development of the site other than for agricultural purposes.

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 agricultural field was once a vinery site with three glasshouses and various outbuildings. The super structure of the glasshouses have deteriorated and collapsed leaving only the dilapidated outbuildings. The outbuildings are to be demolished and the remnants of the glasshouses will be removed to allow the field to become agricultural land once more. Policy OC7 requires the clearance of glasshouses and

ancillary structures once the horticultural use has ceased, prior to redevelopment of the site. The proposal includes this clearance and reversion back to agricultural use.

The proposed building is to be used in association with the management of the agricultural land, housing machinery and the necessary tools, the building is not particularly big (4.5m x 4.5m) and is now considered proportionate to the size of the land.

The structure will be located in an area where there was previously an outbuilding, to the north of the site, close to a neighbouring garage. The new building is not considered to impact on the character of the land or surrounding area, nor will it impact on any neighbour amenity. The construction of the building at one end of the land will not prevent the rest land from being used for agricultural purposes in the future.

The term 'Agriculture' includes seed growing and the use of the land as arable land, therefore using the land to grow food, albeit 'allotment' use, is permitted on agricultural land.

The use of the land as shown is not considered to impact on the landscape character or visual amenity of the open land as it is significantly better than the over grown field it has been in recent years. The proposal is therefore in accordance with Policy GP1.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 07/12/2023

