

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 storage shed to north boundary and erect a mobile chicken house on agricultural land.

LOCATION: Le Courtil De Fanigot, Les Vieux Beaucamps, Castel.

APPLICANT: Ms S Marsh

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: 28/12/2023

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: Block Plan; Cell grazing plan; Specification sheets of mobile chicken coop, trailer and shed Sheets 1-6 (dated 02/11/23).

Application Ref: FULL/2023/2191

Property Ref: D00835A000

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 six months of the date when use of the site for the stated agricultural purposes ceases, or such other period previously agreed in writing by the Authority, the buildings hereby permitted and any associated structures shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the buildings has been granted only on the basis that they are required in association with the stated agricultural use of the land. There is no justification to retain the buildings if the stated agricultural use of the land is no longer occurring.

Expiry Date: This permission will cease to have effect on 27/12/2026 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/2023/2191
Property Ref: D00835A000
Valid date: 02/11/2023
Location: Le Courtil De Fanigot Les Vieux Beaucamps Castel Guernsey
Proposal: Erect storage shed to north boundary and erect a mobile chicken house on agricultural land.

Applicant: Ms S Marsh

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 six months of the date when use of the site for the stated agricultural purposes ceases, or such other period previously agreed in writing by the Authority,

the buildings hereby permitted and any associated structures shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the buildings has been granted only on the basis that they are required in association with the stated agricultural use of the land. There is no justification to retain the buildings if the stated agricultural use of the land is no longer occurring.

OFFICER'S REPORT

Brief Description of the site:

The site comprises two fields located directly to the southeast of the King Edward VII Hospital which lead to and are connected to another field to the west which is located on the east side of Les Vieux Beaucamps. The property is located Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP8: Design

Conclusion/Brief comment:

This application is to erect a small 1.3m x 1.8m shed to the north boundary close to where the fields are connected, and to erect a mobile chicken coop (approx. 5m x 4m) on the agricultural land. The coop will be moved frequently around the fields to allow the chickens to graze on fresh ground.

The applicants already run an established business which rears chickens and pigs and have a market garden where they grow vegetables. The fields subject of this application have been leased to expand the business as they have a significant demand from their customers.

The business/agricultural holding currently runs from an old vinery, but this does not provide any pasture for the chickens, that offers optimum health and welfare, as well as fertilizing and improving the quality of the pasture landscape. Therefore the business/ agricultural holding cannot expand without utilising additional land.

The proposals are limited to a small storage shed, which can easily be removed once the land is no longer tenanted by the applicants, and a mobile chicken coop, which by its nature is not tethered to any particular area within the tenanted fields subject to this application. There are no other structures on the land that could serve the proposed use and the small shed would not have any detrimental impacts on the character of the area or on any neighbour amenity. The mobile coop is a maximum of 15sqm in footprint and is of a triangular style design and clad in corrugated material, which is considered appropriate in this context and, given the impermanent nature of the structure, visually acceptable within the landscape.

The small shed will only take up just over 2sqm of land and the mobile coop will have little impact on the landscape as it will be moving around the land every other day in order to 'facilitate the improvement of eco-system function, landscape health and soil depth.' The removal of these structures, when no longer required in association with the specified business, can be controlled by condition.

There will be no unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and the proposals will not be improving or hindering the visual and physical access to the open and undeveloped land.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 28/12/2023

