

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 agricultural outbuilding and erect replacement agricultural outbuilding to south boundary.

LOCATION: Hannington Vinery, Les Salines Road, St. Sampson.

APPLICANT: Mr T Hearne

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: 06/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing No: 1025 - 03 B1

Application Ref: FULL/2023/2210

Property Ref: B01600A000

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.The building hereby approved shall not be first used until such time as the existing building to the north of the site (shown to be demolished on the approved drawing Ref: 1025-03 B1) has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

Expiry Date: This permission will cease to have effect on 05/02/2027 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/2023/2210
Property Ref: B01600A000
Valid date: 10/11/2023
Location: Hannington Vinery Les Salines Road St. Sampson Guernsey
Proposal: Demolish existing agricultural outbuilding and erect replacement agricultural outbuilding to south boundary.

Applicant: Mr T Hearne

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. The building hereby approved shall not be first used until such time as the existing building to the north of the site (shown to be demolished on the approved drawing

Ref: 1025-03 B1) has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an agricultural field, currently given over to use as allotments. Two buildings associated with the use of the site for allotments and an area of hardstanding used for parking are located at the north end of the site adjacent to the access onto Les Salines Road. The site is enclosed by earth banks, hedges, trees, walls and fencing, and is located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2017/2168	Demolish existing outbuilding, erect new timber outbuilding for use in conjunction with allotments and create earthbank (to north of outbuilding).	Granted 02/11/2017
PAPP/1999/4624	Install gateposts and gate (retrospective)	Granted 22/02/2000

Existing Use(s):

Agricultural Use Class 28

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:

Island Development Plan Policies:

OC5(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas;
OC9: Leisure and Recreation Outside of the Centres;
GP1: Landscape Character and Open Land;
GP8: Design; GP9: Sustainable Development.

Conclusion/Brief comment:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Policy OC9 provides in principle support for the extension, alteration or redevelopment of existing outdoor informal leisure and recreation facilities, such as allotments.

In this case it is proposed to demolish an existing dilapidated asbestos clad and timber framed building situated in the northwest corner of the site and replace it with a larger single storey timber building with a corrugated metal roof. The replacement building will be situated circa 55m further within the site towards the southern boundary.

A supporting letter has been submitted as part of the application to explain why the existing building is required to be replaced, and why a new larger building is required in its relocated position. In summary the applicant has confirmed that the existing store is currently used by allotment tenants for the general storage of gardening items such as wheelbarrows, hand tools, compost and plant food etc, which is generally stocked and required by each allotment user. The letter states the importance of secure storage for such items and that each user has their own dedicated space to avoid conflict. Although in use, the building is in a very poor condition and requires substantial upgrading or replacement in full.

The applicant is requesting a relocation of the building to the southern aspect of the site as in its current position it is close to the recently approved replacement store the subject of permission ref: FULL/2017/2168. Allowing a store in the southern part of the site will provide for storage facilities covering north and south in equal measure, increasing convenience for each user with an allocated storage space allocated in either building based on the location of their allotment. The building to be retained to the north of the site will accommodate 6m² of storage space and a potting area for 9 of the allotments contained within this section of the site, with the replacement building (the subject of this application) allowing 6m² of dedicated storage space and a potting area for the remaining 4 allotments in the southern section of the site. The remaining 20.5m² of the floorspace will be allocated as a general store to be used to accommodate a ride on lawnmower, trailer (used for disposing of green waste) and power tools used by the management team to maintain the general upkeep of the site and site boundaries.

Based on the above a need for a building for the proposed purpose and for an increase in size as proposed has been demonstrated. For the purpose of Policy OC9 the proposed building is considered to be proportionate to the nature and scale of the existing allotments. Any visual impacts or impact on the landscape character of

the surrounding area would be minimal and when seen in context with the built form to the southwest (in the adjacent field) the scheme would respect the character of the locality. The site does not fall within an Agriculture Priority Area.

In terms of design the building is considered to comply with the aims of Policy GP8, and its relocation further within the site and away from the neighbouring property to the west and east would improve its relationship and would not adversely affect neighbour amenity. Furthermore, the demolition of a dilapidated structure that is currently visible from the roadside with a new building further within the site would improve the visual appearance of the street scene.

Although the proposed building is of simple, uninsulated design and construction, insofar as this application will lead to the removal of a substandard dilapidated building from the site and will replace it with a more sustainable and functionable building, it is considered that sustainable development principles have been taken into account in developing this scheme, in accordance with the requirements of Policy GP9.

Along the west part of the site between the boundary and allotments is an existing vehicle access track which provides an access point into the adjacent field to the south. The removal of the existing building as proposed will make the use of the access track easier to negotiate.

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: 05/02/2024

