

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 extension and infill doorway, erect extension to north (front) elevation of outbuilding (Agricultural Use Class 28) (Revised Scheme).

LOCATION: Site Situate At La Corbiere, Rue De Manoir Cote Sud, Forest.

APPLICANT: Mr & Mrs L Appleby

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: 03/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7597-01 B1 Rev B.
Proposed Outbuilding Rev A

Application Ref: FULL/2023/2302

Property Ref: H000120000

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 stone to be used in the construction of the extension of the agricultural outbuilding hereby permitted shall match as closely as possible to the type, colour, texture, method of bonding and pointing of the existing stonework.

Reason - In the interests of visual amenity.

5.For the avoidance of doubt, this decision permits the approved extension to be used only for agricultural purposes falling within Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2017 and for no other purpose.

Reason - To clearly define the permission and to limit the use of the approved extension for agricultural use only.

Expiry Date: This permission will cease to have effect on 02/01/2027 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/2023/2302
Property Ref: H000120000
Valid date: 17/11/2023
Location: Site Situate At La Corbiere Rue De Manoir Cote Sud Forest
Guernsey
Proposal: Demolish existing extension and infill doorway, erect
extension to north (front) elevation of outbuilding
(Agricultural Use Class 28) (Revised Scheme).
Applicant: Mr & Mrs L Appleby

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.

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OFFICER'S REPORT

Site Description:

The application site comprises a single storey outbuilding located to the east of Rue De Manoir Cote Sud. The outbuilding is positioned to the west of the site and forms part of the roadside boundary.

The outbuilding lies opposite (east) of the applicant's house known as 'La Corbiere'. The outbuilding is surrounded by mature trees and landscaping to the north and east and is attached to the neighbouring property (known as 'Coin De Terre') to the south. The outbuilding and woodland (legally defined as agricultural land) is served by a vehicle access to the west of the site.

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

Relevant History:

Detached area of agricultural land to the east of the main house– Cadastre ref: H000120000:

FULL/2022/1378 - Demolish existing extension and infill doorway, erect extension to north (front) elevation of outbuilding (Agricultural Use Class 28). Refused 2023.

Main House (La Corbiere) – Cadastre ref: H000110000:

FULL/2010/3715 - Demolish existing outbuilding and erect a garage/store and erect a barn with stable and garden and machine stores. Granted 2010.

Existing Use(s):

Agriculture – use class 28

Brief Description of Development:

Planning permission was refused earlier this year to demolish an existing extension and erect a new extension to the north (front) elevation of an agricultural outbuilding.

The agent set out in their e-mail of 12th January 2023, as part of FULL/2022/1378 that:

*“...there is no undercover storage available or suitable within the curtilage of La Corbiere. Note that the existing building attached to the main house is a domestic garage/utility; the rectangular outbuilding is the stable block for the horse and tack; the remaining out-building contains our client’s tractor...
...development does relate to an existing agricultural holding... There are no other buildings available and given that the subject building on H00012A000 is currently used as an agricultural store it would appear to be a reasonable aspiration to remove the asbestos/cement roofing, demolish the existing small extension to the East which is over-bearing to the adjacent property and relocate the area demolished in a more traditional form with a natural slate roof ultimately providing good quality dry storage.”*

The application was refused as the application did not satisfactorily demonstrate that there were no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes. Due to the information submitted, the proposal did not comply with Policy OC5(A).

A revised scheme has now been submitted in attempt to overcome the reasons for refusal.

The agent has provided further information in respect of the existing buildings and structures located on the agricultural holding that could not be used for the intended purpose, with or without reasonable adaptation.

The agent has noted in their ‘Justification report’, that the building is to be used for storing agricultural equipment/machinery. It is noted in the report that the stable building (outbuilding ‘A’) has been built and is used in accordance with permission, FULL/2010/3715. The agent concludes that the layout of the building by virtue of the small rooms is not suitable for storing large agricultural equipment, machinery and vehicles. The current use of the building as a stable would have to be otherwise vacated.

Outbuilding B comprises a garage/store. The agent has noted that “*planning approval is in place for demolishing and rebuilding Outbuilding B as the current*

building is in a state of disrepair and not suitable for either residential/agricultural storage.” The replacement building is to be used in association with the dwelling-house.

The application was deferred to seek further justification in terms of how the existing agricultural store and proposed extension is to be used. The agent has provided a list of existing agricultural equipment stored within the structure and proposed machinery/equipment in an attempt to satisfactorily demonstrate its use.

An indicative plan showing all equipment/machinery has also been provided as part of the amended ‘Justification Report’. The agent has also set out the land parcels under the ownership of the applicant, together with any associated buildings on each plot.

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

OC5(A)	Agriculture Outside of the Centres – Within the Agriculture Priority Areas.
GP1	Landscape Character and Open Land.
GP8	Design.
GP9	Sustainable Development.

Representations:

None received.

Consultations:

None generated as the Office of Environmental Health and Pollution Regulation did not wish to raise any concerns as part of the former scheme.

Summary of Issues:

- Principle of extending the agricultural building.
- Design, scale, massing, form, siting and materials of the extension to the outbuilding.
- Impact on landscape character, visual amenity and neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

As set out in the previous refusal, Policy OC5(A) states that:

“Proposals for development relating to the agricultural use of an existing farmstead or existing agricultural holding, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, will be supported where there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes.”

The revised application has now been supported by additional information which demonstrates the extent of land within the ownership of the application and indicates that there are no other buildings or structures on the application site (including within the domestic curtilage of the property) which could be used or adapted for the proposed use required for the purposes of Policy OC5(A).

The condition of the existing garage/store to the rear of the house would appear to require extensive works to be adapted for the proposed use.

Whilst the adjacent outbuilding to the rear of the house would appear to be in better condition due to its solid construction, it is currently used as a stable and features multiple smaller rooms and therefore it would be unreasonable in this particular circumstance to require the property owner to adapt this building for agricultural purposes, particularly as the outbuilding is well related to the dwelling-house and is sited within the domestic curtilage.

In light of the above, the Authority is satisfied that there are no other buildings or structures located on the agricultural holding which could be used for the proposed purposes with or without reasonable adaptation.

The additional need for machinery and equipment, is considered satisfactory justification for the proposed extension to the existing agricultural outbuilding and the proposal is compliant with Policy OC5 (A).

Despite the proposed extension being positioned immediately adjacent to Rue De La Corbiere which will reduce the openness of the area to some extent; the scale, mass, form and materiality of the extension would respect the character and appearance of existing outbuilding and would have a limited effect on the overall bulk and mass of the agricultural outbuilding. Consequently, the extension would not cause unacceptable harm to the open landscape character of the area, surrounding built environment, or visual amenity to justify refusal, despite being highly visible in public vantage points. The design and effect on the landscape character is acceptable under Policy.

The detailing of the granite stone should match as closely as possible to the existing stone. A condition to this effect should be attached to the decision.

There will be no adverse effects on the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 29/12/23