

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 agricultural outbuilding/hay barn to west of existing stables.

LOCATION: Devise De Bas, Rue De La Grande Maison, St. Pierre Du Bois.

APPLICANT: Mr & Mrs J Nicolle

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: 18/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6276/H/2b

Application Ref: FULL/2023/2405

Property Ref: F013520000

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 building hereby approved for agricultural purposes ceases, or such other period previously agreed in writing by the Authority, the building 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 building has been granted only on the basis that it is required in association with the agricultural use of the land. There is no justification to retain the building if there is no longer any agricultural use of the land.

Expiry Date: This permission will cease to have effect on 18/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Permission is hereby granted for the concrete slab as shown on the approved drawing only. No consent whatsoever is granted for the laying of any other hardsurfacing on the agricultural land.

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/2023/2405
Property Ref: F013520000
Valid date: 14/12/2023
Location: Devise De Bas Rue De La Grande Maison St. Pierre Du Bois
Guernsey GY7 9AL
Proposal: Erect agricultural outbuilding/hay barn to west of existing
stables.

Applicant: Mr & Mrs J Nicolle

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).

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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 building hereby approved for agricultural purposes ceases, or such other period previously agreed in writing by the Authority, the building 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 building has been granted only on the basis that it is required in association with the agricultural use of the land. There is no justification to retain the building if there is no longer any agricultural use of the land.

INFORMATIVES

Permission is hereby granted for the concrete slab as shown on the approved drawing only. No consent whatsoever is granted for the laying of any other hardsurfacing on the agricultural land.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Devise de Bas' is a mid-20th century detached dwelling which is set back from and faces east onto Rue de la Grande Maison. There is a sand school located to the rear of the dwelling, and it is unclear from the information available whether this would have required planning permission. This matter does not impact on the consideration of the current application and will be addressed separately.

There are neighbouring detached properties to the east across the road, to the south and beyond the land to the west. To the north is open agricultural fields within the Agriculture Priority Area. The western part of the land is agricultural and is used to keep horses. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design

Conclusion/Brief comment:

This application is to erect an agricultural outbuilding for the storage of hay, produced on site, and used for fodder for horses kept on site. The building would be located on the agricultural land to the west of the existing stable block, which is itself located within the domestic curtilage.

The size of the shelter is specifically for the storage of hay, the proposed 11m long shelter will have double doors at either end of the north elevation, out of the direction of the prevalent westerly wind. The structure will be 3.5m wide and approximately 2.9m high at the ridge.

The size, height and timber clad appearance of the building, taking into account the positioning of the structure adjacent to existing buildings, is considered to represent a good standard of design that respects the open landscape concerned. The relationship of the building to the nearby stables to the east is such that it will not result in harm to the amenities currently enjoyed by the dwelling which is further to the southeast of the stables.

The proposed building would be ancillary to the agricultural use of the land. The application submission confirms that the hay is used for fodder of horses kept on site and is usually kept in a tent or under a tarpaulin, both of which are not bird or rodent resistant, and the weather can also affect the condition of the hay if stored for any length of time. The proposal is therefore justified and would comply with the requirements of Policy OC5(B). A condition should however be added to ensure removal if no longer required for agricultural purposes.

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: 15/03/2024

