

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: Temporary change of use of agricultural land (Use Class 28) and erect marquee for temporary period (April to September 2024).

LOCATION: The Farmhouse Hotel, Route Des Bas Courtils, St. Saviour.

APPLICANT: Nut Tree Limited

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: 20/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7527-05 B1 & B2A.

Application Ref: FULL/2023/2480

Property Ref: E000080000

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 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.

3. This permission is for the erection of the marquee for the period of 1st April 2024 to 30th September 2024 only and does not permit the erection or retention of the marquee other than between those dates. Within four weeks of the end of the temporary use period, the marquee shall be removed in its entirety from the site and the land shall be restored to facilitate its lawful agricultural use.

Reason - For the avoidance of doubt.

4. A maximum of 12 weekend events shall be permitted in the marquee between 1st April 2024 and 30th September 2024. There shall be no use of the marquee Monday to Thursday, except on Bank Holidays unless otherwise agreed in writing by the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The marquee shall not be used for any events before 12.00 noon or after 20:00 hours on any day unless otherwise agreed in writing by the Authority. This does not apply to preparatory work.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6. No amplified music shall be played within the marquee at any time.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7. The PA level shall be agreed in writing with the Authority in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event of 2024. Amplified speeches within the marquee shall not exceed 1 hour per event.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 30/09/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the hotel provides local residents that are liable to be affected by the events with a programme for the season.

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future. The design, materials and form of construction of the marquee represents a temporary form of development that does not achieve a good standard of design that would be appropriate for a permanent or rolling, annual permission. To ensure that any development conserves the character and appearance of the area, it is recommended that, moving forward, alternative options are reviewed with the aim of achieving a higher quality of design whilst enhancing the function space available at the hotel. It would be open to you to submit a pre-application enquiry regarding any such alternative proposals, which may include an extension to the hotel itself, to enable the Planning Service to advice on the suitability of such alternative schemes when considering the relevant policies in the Island Development Plan.

If it is intended to seek a further temporary permission for the erection of a marquee on agricultural land at The Farmhouse, it is recommended that you submit a planning application by the end of December to ensure that the application is decided prior to the proposed erection of the marquee in April, in any given year.

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/2023/2480
Property Ref: E000080000
Valid date: 18/12/2023
Location: The Farmhouse Hotel Route Des Bas Courtils St. Saviour
Guernsey GY7 9YF
Proposal: Temporary change of use of agricultural land (Use Class 28)
and erect marquee for temporary period (April to September
2024).
Applicant: Nut Tree Limited

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 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.

3. This permission is for the erection of the marquee for the period of 1st April 2024 to 30 September 2024 only and does not permit the erection or retention of the marquee other than between those dates. Within four weeks of the end of the temporary use period, the marquee shall be removed in its entirety from the site and the land shall be restored to facilitate its lawful agricultural use.

Reason - For the avoidance of doubt.

4. A maximum of 12 weekend events shall be permitted in the marquee between 1st April 2024 and 30th September 2024. There shall be no use of the marquee Monday to Thursday, except on Bank Holidays unless otherwise agreed in writing by the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The marquee shall not be used for any events before 12.00 noon or after 20:00 hours on any day unless otherwise agreed in writing by the Authority. This does not apply to preparatory work.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6. No amplified music shall be played within the marquee at any time.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7. The PA level shall be agreed in writing with the Authority in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event of 2024. Amplified speeches within the marquee shall not exceed 1 hour per event.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

It is recommended that the hotel provides local residents that are liable to be affected by the events with a programme for the season.

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future. The design, materials and form of construction of the marquee represents a temporary form of development that does not achieve a good standard of design that would be appropriate for a permanent or rolling, annual permission. To ensure that any development conserves the character and appearance of the area, it is recommended that, moving forward, alternative options are reviewed with the aim of achieving a higher quality of design whilst enhancing the function space available at the hotel. It would be open to you to submit a pre-application enquiry regarding any such alternative proposals, which may include an extension to the hotel itself, to enable the Planning Service to advice on the suitability of such alternative schemes when considering the relevant policies in the Island Development Plan.

If it is intended to seek a further temporary permission for the erection of a marquee on agricultural land at The Farmhouse, it is recommended that you submit a planning application by the end of December to ensure that the application is decided prior to the proposed erection of the marquee in April, in any given year.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a large hotel, much extended and altered, set in extensive grounds.

The application relates the erection of a marquee (comprising main marquee, catering tent and dome entrance tent) on agricultural land from April to September 2024.

The submission sets out that some soft landscaping works having been carried out associated with ongoing maintenance and that if the "proposed use of the land for a marquee cease the land can revert back to its current state". At the time of the officer site visit in January 2024 the land was not capable of being used for agricultural purposes because the marquee framework was laid out on the site however, by mid-February this had been removed from the site and therefore the application is not deemed to be retrospective.

The submission sets out that the land has not been used for commercial agricultural purposes for more than 20 years and that the area of hardstanding previously installed in 2023 has been retained.

This submission outlines that the conditions attached to the previous permission were prohibitive to the successful operation of the hotel facility and request consideration be given to the relaxation of restrictions for this application and providing examples as to how relaxation of restrictions relating to amplified music could be implemented and the use of acoustic linings for the marquee. The submission acknowledged one complaint during the 2023 season which is likely to have not related to The Farmhouse at all but rather a festival at Pleinmont.

The submission does not clearly specify the number of events per season nor the timings for such events but rather sets out an example scenario in the covering letter dated 12/12/2023. The 2023 application related to 12 events in the season starting at 6pm, amplified music being concluded at 11pm and the bar closing at 11.30pm with reference being made to amplified speeches also. It is noted however, that the 2023 permission was limited to only 10 weekend events, not to be used before 12 noon or after 8pm on any day and no amplified music was permitted and amplified speeches were limited to 1 hour per event.

The application was deferred to seek clarification regarding the number and timings of events however the information was not forthcoming at the time of determination and the application is therefore assessed on the basis of the example scenario and 12 weekend events throughout the year.

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

Relevant History:

FULL/2023/0467 – Temporary change of use of agricultural land (Use Class 28) to erect marquee for temporary period (April to September 2023) and installation of hardstanding. (retrospective) – granted (1st April 2023 to 30 September 2023)

Existing Use(s):

Visitor Accommodation
Agricultural land

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses
GP1: Landscape Character and Open Land
GP8: Design
GP15: Creation and Extension of Curtilage

Consultation:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for a temporary change of use of agricultural land (Use Class 28) and to erect a marquee for a temporary period from April to September 2024 at The Farmhouse Hotel site. The applicant has confirmed that this will ‘coincide with their busy wedding season’ and mentions amplified music being played. OEHPR have strong concerns about the impact that noise from potential amplified sources being used at events will have on residents living nearby. The application refers to a similar

application granted in 2023 (FULL/2023/0467) with a view to some restrictions previously imposed being reduced. OEHPR have checked their records and comments that were provided to the Planning Service last year, which included recommended conditions to control noise impact from the marquee and events held, which were transferred to the granted consent.

There has been no material change between the proposals being made and those made in 2023. The location of the marquee and internal stage area remain the same. There are no offered noise attenuation measures within the information submitted with this application and therefore it is not reasonable to relax previous restrictions, especially when being asked to allow amplified music and extended event times in the marquee. Although the submission states that the marquee provider will supply acoustic linings, there is no specification provided giving their acoustic reduction properties and, in practice, with one side of the marquee open to allow ingress and egress, these are unlikely to provide a satisfactory level of attenuation.

It is noted that within the applicant's 'Supporting Information' document, dated November 2023, ref. 7527-05, there is reference to a stage with speakers being part of the marquee layout. Whilst further information about the types of events (excluding weddings), the types of amplified noise and use of amplified equipment is not provided, it is assumed that the applicant wishes to provide both amplified voices for speeches and amplified music by either live or recorded music being played. The proposal for music is not at all suitable for this location and OEHPR would strongly recommend that the proposal for any amplified music is not permitted and if the application is to be granted permission the following conditions are recommended:

1. A maximum of twelve weekend events shall be permitted in the marquee between the permitted dates. There shall be no use of the marquee Monday to Thursday, except on Bank Holidays, unless otherwise agreed in writing by the authority.
2. The marquee will not be used for any events before 12:00 hours or after 20:00 hours on any day, unless otherwise agreed in writing by the authority. This does not apply to preparatory work.
3. Amplified music shall not be permitted within the marquee.
4. Amplified speeches within the marquee shall not exceed a one-hour duration per event.

5. The Public Address system level shall be agreed in writing with the Environment Department in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event, unless otherwise agreed in writing by the authority.

If further information is considered necessary by the Planning Service to assist with decision making it is requested that the applicant demonstrates that the playing of amplified music inside the marquee will not impact neighbouring properties via a report produced by a competent acoustic consultant.

Conclusion/Brief comment:

Policy OC5(A) makes provision for proposals for development which is not related to a farmstead or existing agricultural holding where they accord with all the relevant policies of the Island Development Plan which offers a gateway for the proposed development.

The field, the subject of this application site, could, in conjunction with the larger fields positively contribute to the commercial agricultural use of this wider Agriculture Priority Area without unacceptable adverse environmental impacts. Notwithstanding this fact, the erection of a marquee would not have a significant impact on the ability of the land to revert to agricultural use when the marquee is not in place thereby ensuring that Policy GP15 is satisfactory address in relation to the APA.

Matters relating to residential amenity and landscape character are addressed elsewhere in this report.

Policy OC8(A) supports extensions and alterations to existing visitor accommodation establishments where the development is of a scale that is appropriate to the character of the location and any additional facilities are ancillary and proportionate to the existing visitor accommodation.

The marquee is to be located on a grassed area to the north of the hotel with access directly from Rue Des Longsbeaux as well as through the hotel grounds from the south. The marquee is shown to be approximately 25m x 12m (accommodating 168 diners) whilst the associated catering tent is 6m x 9m to be situated to the east of the main marquee. The land on which the marquee is to be situated is largely level with a small area of hardsurfacing which has been installed in the area of the proposed catering tent. New planting (pyramid hornbeam, birch or alder) is indicated to have been undertaken and it is noted that the planting season is nearing its end (March). Additional planting is not deemed reasonable and necessary to help assimilate this temporary marquee with its surroundings.

The proposal would be situated in a rural environment, evident within its surroundings. The existing bank to the east, main hotel building to the south, with associated planting to the south boundary, and additional planting to the north and

west will help mitigate the visual effects of this temporary structure. The location and size means it is not considered that it would be so detrimental to visual amenity to warrant refusal of planning permission and the marquee accords with Policies GP1, GP8 and GP15 in this respect.

With regard to the area of hardstanding laid in connection with the catering tent, the previous application outlined that this was laid directly onto the agricultural land and could readily be removed. It would however, be unreasonable to require this to be lifted on an annual basis therefore it must be assessed in terms of its effect on the commercial function of the land within the APA. This relatively small area would not undermine the use of the wider parcel of land for agricultural purposes even if it were retained and, based on the information it could readily be removed if, for example, it would prevent the area being ploughed. On balance therefore, the hardstanding is considered acceptable to remain on a permanent basis.

Although the application was deferred no further information was forthcoming to clarify the number of events and the application has been assessed on the basis of 12 events, as per the example given in the covering letter from the planning agent. Consultation has again been carried out with the Office of Environmental Health and Pollution Regulation and conditions have been suggested and will be attached. The supporting information provided does not represent sufficient reason to relax the conditions previously imposed on this permission in order to protect residential amenity. Should a breach of planning condition occur the matter would need to be investigated by Planning Enforcement but noise nuisance matters may also be dealt with under Environmental Health Legislation. Subject to planning conditions, the effects on residential amenity are therefore kept within acceptable limits in line with the aims of Policies GP15 and GP8.

An informative note may be placed on any permission regarding the marquee becoming a significant part of the hotels business operation and for the hotel to explore a more permanent solution offering greater certainty to the hotel operation and the associated environmental and visual benefits. An informative note can also be placed on the permission regarding notification of local residents of the events programme for the season.

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.

In view of the above it is recommended a temporary permission is granted for 2024 only.

Recommendation:
Grant with Conditions



Date: 16/02/2024

