

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 4 sheds to the west elevation of building and erect fence and gate to south elevation of building.

LOCATION: Unit 6, Oatlands Village, Oatlands Lane, St. Sampson.

APPLICANT: Mr M Joyce

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: 11/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 23-1528 PD/01B

Application Ref: FULL/2024/0018

Property Ref: B010080000

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. For the avoidance of any doubt, the four sheds positioned to the west of the open play barn hereby approved shall only be used for a purpose ancillary to the use of Unit 6, and for no other purpose.

Reason - To clearly define the permission so that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations and could affect the conditions set out in the planning covenant attached to the site.

Expiry Date: This permission will cease to have effect on 11/04/2027 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/2024/0018
Property Ref: B010080000
Valid date: 12/01/2024
Location: Unit 6 Oatlands Village Oatlands Lane St. Sampson Guernsey GY2 4YT
Proposal: Erect 4 sheds to the west elevation of building and erect fence and gate to south elevation of building.
Applicant: Mr M Joyce

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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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. For the avoidance of any doubt, the four sheds positioned to the west of the open play barn hereby approved shall only be used for a purpose ancillary to the use of Unit 6, and for no other purpose.

Reason - To clearly define the permission so that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations and could affect the conditions set out in the planning covenant attached to the site.

OFFICER'S REPORT

Brief Description of the site:

The premises comprise a long established visitor attraction located to the south of the Braye du Valle. The premises' offer ranges from mini-golf to small scale specialised retail, children's play facility, restaurant and nursery/pre-school.

The premises also include a self-contained flat within the main building. The two brick kilns located towards the north of the cluster of buildings are protected monuments (PM82).

The site falls Outside of the Centres, but is otherwise undesignated within the Island Development Plan. The field to the east of the site comprises agricultural land (Use Class 28).

The site is subject to a Planning Covenant which sets out the use of the site and its limitations. The primary use of the site is as a leisure based attraction.

Unit 6, the focus of this application, as identified in the Planning Covenant lies to the east of the main cluster of buildings which faces out onto a courtyard area. Unit 6 is surrounded by the nursery/pre-school to the north, Oaty and Joeys children's play facility to the east, and open play barn to the south which houses trampolines and children's electric vehicles and racing circuit.

The former use of Unit 6 was used by Cadeaux Guernsey Toy Shop. The nature of the proposed business to operate out from Unit 6 is for bicycle sales, servicing and rental of bikes.

Planning permission is sought to erect 4 sheds to the west elevation of the open play barn building, and erect fence and gate to the south elevation, enclosing the proposed sheds.

The application was deferred to seek clarification as to the use of the sheds in light of the Planning Covenant attached to the site.

The agent has confirmed that the sheds are to be used in association with Unit 6 only, and not in connection with any other unit. The agent as set out the limited internal floor space of unit 6 and the lack of additional storage provision on the remainder of the site that could serve the proposed purpose. It is been confirmed that the sheds will act as a *“stock room, storing paraphernalia associated with the sale of bicycles and associated items bicycles, inner tubes, seats, tyres, wheels, water bottles, gearing equipment, saddles, handlebars, frames, pedals, and cranks.”*

Relevant History:

Pre-application discussions	Use of Unit 6 as bicycle sales, rental and servicing business	
FULL/2016/2344	Permit to extend curtilage to east and erect new two storey playbarn, covered play area and single storey building around central courtyard; vary previous condition to facilitate alternative use of existing playbarn; erect WC block; extend curtilage to west to provide additional car parking; and associated works.	Granted

Existing Use(s):

Visitor attraction (sui generis)
Residential Use Class 2
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:

OC9 Leisure and Recreation Outside of the Centres
GP8 Design
GP9 Sustainable Development

Conclusion/Brief comment:

Principle of development:

Oatlands comprises a long-established visitor attraction and the uses at the site either comprise Formal Leisure uses, as defined within the Island Development Plan, or are ancillary and incidental to that use.

Policy OC9 relates to leisure and recreation uses Outside of the Centres. The Policy states that *“Proposals to extend, alter or redevelop an existing formal leisure or indoor formal Plan recreation use will be supported where it does not unacceptably increase the scale of the facility so that there are unacceptable adverse impacts on the character of the area or there would be an unacceptable impact on the vitality of a Centre”*.

The proposed development seeks to erect 4 sheds to be used as ancillary storage provision for Unit 6 which will operate as a bicycle sales, servicing and rental of bikes. Whilst not specific to this application following pre-application discussions, the use of Unit 6 as bicycle sales, servicing and rental business would fall in line with the overarching use of the site, as a leisure based attraction.

In light of the additional information submitted by the agent, the floor area of unit 6 (85sqm), plus the additional (internal) floor area of the sheds (3.15sqm per shed x 4 = 12.6sqm), would result in a total floor area of Unit 6 of 97.6sqm. This floor area would be below the maximum floor area for each Unit on the site (225sqm) as set out in the Planning Covenant. To ensure that the permission is defined and unambiguous, it is necessary and reasonable to attach a condition to ensure that the sheds are only to be used in association with Unit 6, and for no other purpose.

In this case, the proposed ancillary use of the sheds for storage purposes would have negligible impact on the overall use of the Oatlands site for leisure and recreation purposes. Given the nature and scale of the proposed business use with an addition of a detached storage facility, there would be no fundamental conflict with the intentions of Policy OC9 or with the overall Plan objectives.

Other matters:

With regards to the potential effect of the development on the character and appearance of the surrounding area, the sheds will be enclosed by an existing fence located to the west of the open play barn, and together with the proposed fence and gate to the front (south) elevation, the proposal will not be highly visible from public vantage points to cause undue harm.

Moreover, the sheds would be 'read' against the backdrop of larger developments to the north and east of the sheds which will help to limit any visual harm as a result of a cluster of outdoor storage provision associated with Unit 6.

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

Overall, the agent has confirmed that there is no other outdoor storage facility that could be used for the desired purpose, and together with the overall floor area of Unit 6 and its limited visual harm, there are no planning reasons why this application should be refused permission.

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.

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

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 08/04/24

