

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: Widen agricultural field vehicle entrance to west boundary.

LOCATION: Field at, Route Des Capelles, St. Sampson.

APPLICANT: Mr M H Dorey

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 22/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan and annotated photograph labelled West (roadside) boundary, date stamped 11th and 22nd January 2024.

Application Ref: FULL/2024/0077

Property Ref: B012010000

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.Within four weeks of the access being widened to 4.2m, the end of the widened opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 19/02/2027 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/2024/0077
Property Ref: B012010000
Valid date: 22/01/2024
Location: Field at Route Des Capelles St. Sampson Guernsey
Proposal: Widen agricultural field vehicle entrance to west boundary.

Applicant: Mr M H Dorey

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. Within four weeks of the access being widened to 4.2m, the end of the widened opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application relates to the widening of the existing field access from 2.8m to 4.2m on land to the east of La Route Des Capelles. The submission confirms that the end of the widened opening will be finished using granite from the removed section of

wall. There are residential properties and a school across the road to the west, open land to the east and south with a cluster of residential properties to the southeast of the site in Les Grandes Capelles Lane. Further residential properties are situated to the north of the site.

The submission highlights that although access has previously been gained via a driveway to the south there is no formal right of access to do so and that given the width of the existing access agricultural machinery has damaged the boundary wall. The proposed access width has regard to the current requirements of the tenant (dairy and potato farmer).

The site is located Outside of the Centres as designated in the Island Development Plan. There are two Protected Buildings close to the application site.

Relevant History:

None.

Existing Use(s):

28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

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 (APAs)

GP8: Design

IP9: Highway Safety, Accessibility and Capacity

GP1: Landscape Character and Open Land

Representation:

Constables of St Sampson – held a meeting with four pupils and the Deputy Head Teacher of Haute Capelles Primary School to discuss their ideas to make the roads around school safer; in conjunction with the children of the school exercising their rights under “The Rights of the Child” to be healthy and safe.

The Douzaine have been concerned for many years with the difficulties experienced by school children walking and cycling to Haute Capelles School due to the

constraints of the narrowness of both the road, for two way traffic, and the pavement along Route des Capelles up to the junction with Les Canus. It is considered that widening and using the gateway which has not been used for many years, as proposed will make a dangerous route for the children even more precarious. Concerns include mud/debris building up on the pavement as well as larger agricultural vehicles using the road more frequently. It must be noted that many vehicles mount the kerb at this point as the road is not wide enough as it is. We would encourage the applicant to more robustly seek to secure alternative access options.

It may be the case that conditions could be made by the Authority whereby time restrictions are put in place for the agricultural vehicles not to use the gateway during morning, lunchtime and afternoon periods when school children are commuting to and from school.

We trust that you will consider very seriously the Douzaine's concerns and we respectively suggest that the Authority further consults with the leadership of the school or Education for their views.

Conclusion/Brief comment:

The IDP makes provision for development relating to the agricultural use of a farmstead/holding, or for a purpose ancillary/incidental to the existing principal agricultural use. The proposal is in relation to the agricultural use of the land and accords with Policy OC5(B).

The widening of the field access would not have an unacceptable impact on the character and appearance of the area and accords with Policy GP8 of the Plan. The removal of a limited section of roadside wall in order to provide access to a cluster of fields is considered acceptable in this case. The proposal does not result in the unacceptable loss of a distinctive feature that contributes to the landscape character and amenity of the area and therefore Policy GP1 has been satisfied. A condition can be imposed relating to the making good of the end of the wall demolished in the interests of visual amenity.

Although the Douzaine recommend that alternatives should be explored by the applicant the Planning Service must consider the proposals presented through this application submission. The submission highlights that no formal right of access exists across the driveway to the south highlighting the access through the existing field access onto Route des Capelles which is the subject of this application.

The concerns raised regarding the use of this access more frequently, large vehicles using the access and the impact of such activities on pedestrian safety are noted. Although concerns are raised regarding the increased use of the road by agricultural machines Route des Capelles is a public road. The narrow width of the existing access is likely to have limited its usefulness in recent past as it would not permit access to very large agricultural machinery however, the gateway could be utilised at

any time by more modest size tractors or by cars/4x4 vehicles towing a trailer, perhaps bringing livestock/feed to and from the site. These comings and goings would be unrestricted given that this is an existing parcel of agricultural land.

It is acknowledged that the widening of the access would provide more easy access for a wider variety of vehicles and, could increase the frequency of use however, the access serves just two fields and the widening of the access would not unduly increase vehicle movements to the relatively small area of agricultural land. The widening of the access will be an improvement enabling vehicles to enter and exit more readily which will reduce the potential to impede the free flow of traffic. Whilst therefore the recommended planning condition about restricting use is noted, given the current potential to use the access unrestricted it would be unreasonable and unenforceable to attach such a condition.

The alterations to the access would not result in unacceptable harm to pedestrian safety given the existence of an access at the site. Although noted that the access is in close proximity to the school this will be apparent to uses of the widened access and the use of the access to serve agricultural land will not result in significant vehicle movements.

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.

In view of the above it is recommended permission is granted.

Recommendation:

Grant with Conditions



Date: 16/02/2024

