

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: Variation to previously approved FULL/2019/1034 for change of use of packing shed from horticultural (use class 28) to use as a community workshop/meeting place (sui generis) - Rescind condition 2 to continue use on site.

LOCATION: Sandpiper Vinery, Route De Plaisance, St. Pierre Du Bois.

APPLICANT: Men's Shed & Makerspace

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: 19/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2024/0096

Property Ref: F000140000

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. The doors and windows to the workshop shall be closed at all times when power tools are in use.

Reason - To mitigate against the potential for noise nuisance to arise, in the interests of the amenity of the locality.

4. The use of the former packing shed hereby permitted shall not be carried out except between the hours of 09:00 and 21:00 on any day.

Reason - To mitigate against the potential for noise nuisance to arise, in the interests of the amenity of the locality.

Expiry Date: This permission will cease to have effect on 18/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that this permission extends to use of the former packing shed only. Any activity or storage of equipment/materials on the surrounding land that is unrelated to the horticultural/agricultural use of that land will require a further grant of planning permission.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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/2024/0096
Property Ref: F000140000
Valid date: 16/01/2024
Location: Sandpiper Vinery Route De Plaisance St. Pierre Du Bois
Guernsey GY7 9AB
Proposal: Variation to previously approved FULL/2019/1034 for change
of use of packing shed from horticultural (use class 28) to use
as a community workshop/meeting place (sui generis) -
Rescind condition 2 to continue use on site.
Applicant: Men's Shed & Makerspace

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. The doors and windows to the workshop shall be closed at all times when power tools are in use.

Reason - To mitigate against the potential for noise nuisance to arise, in the interests of the amenity of the locality.

4. The use of the former packing shed hereby permitted shall not be carried out except between the hours of 09:00 and 21:00 on any day.

Reason - To mitigate against the potential for noise nuisance to arise, in the interests of the amenity of the locality.

INFORMATIVES

The applicant is advised that this permission extends to use of the former packing shed only. Any activity or storage of equipment/materials on the surrounding land that is unrelated to the horticultural/agricultural use of that land will require a further grant of planning permission.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

OFFICER'S REPORT

Site Description:

The application site comprises an L-shaped area of land, the northern part of which is covered by overgrown, derelict glasshouses, which are separated from physically sound glasshouses on the southern half of the site by a grass paddock. The building the subject of this application stands adjacent to the west boundary in the middle of the site. The site is located Outside of the Centres and is within an Agriculture Priority Area under the Island Development Plan

Relevant History:

FULL/2019/1034 - Change of use of packing shed from horticultural (use class 28) to use as a community workshop/meeting place (sui generis).

Approved on 16/08/2019 on temporary 5-year basis, until 14/08/2024

FULL/2019/0177 - Replace roofing material, fascia material, timber cladding and alterations to windows on packing shed (retrospective).

Approved 14-03-2019

PREA/2018/2709 - Change of use of packing shed from horticultural to temporary 'sui generis' use as a community workshop/meeting place.

Advice offered 29-01-2019

Existing Use(s):

Sui generis

Agriculture Use Class 28

Brief Description of Development:

The application requests that Condition 2 of FULL/2019/1034 be rescinded, to allow the community workshop/meeting place use to continue on a permanent basis.

Condition 2 stated as follows:-

The use hereby permitted shall cease on or before 14/08/2024, and all material and equipment associated with that use shall have been removed from the building at that time.

Reason - To define the duration of this permission, permission having been sought for a temporary period only.

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

OC2 – Social and Community Facilities Outside of the Centres

OC7 – Redundant Glasshouse Sites Outside of the Centres

GP8 – Design

GP16(A) – Conversion of Redundant Buildings

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:**The Office of Environmental Health and Pollution Regulation (on previous application)**

I have reviewed the proposed plans for the change of use to a community workshop which were received by post on 30th May 2019 and there are a number of issues of concern that I must raise. I am concerned about the potential for nuisance and as such would recommend that the following condition is attached to the consent:

- The doors and windows to the workshop should be closed when power tools are in use
- The use hereby permitted shall not be open to associates except between the hours of 09:00 and 21:00

I would be grateful if these issues are considered during the determination of this application.

Summary of Issues:

- Whether rescission of Condition 2 of FULL/2019/1034 is acceptable as a minor departure from the IDP

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).**

Application FULL/2019/1034, for Change of use of packing shed from horticultural (use class 28) to use as a community workshop/meeting place (sui generis), was approved on 16/08/2019 on a temporary 5-year basis, until 14/08/2024, as a minor departure from the IDP, and specifically from Policy OC7.

Condition 2 of FULL/2019/1034 stated as follows:-

The use hereby permitted shall cease on or before 14/08/2024, and all material and equipment associated with that use shall have been removed from the building at that time.

Reason - To define the duration of this permission, permission having been sought for a temporary period only.

In granting temporary permission, it was advised that the applicant should utilise this time to actively identify suitable alternative premises and obtain any necessary permissions, as it was not envisaged under current policies that a further temporary or permanent permission could be granted and it was expected that the building would be removed at the end of that temporary 5-year period and the land revert to open agricultural land.

The current application requests that Condition 2 of FULL/2019/1034 be rescinded, to allow the community workshop/meeting place use to continue on a permanent basis.

The policy basis on which application FULL/2019/1034 was considered is summarised below:-

- Although the proposed use does not fall within any of the recognised use classes, and therefore comprises a sui generis use, it can most readily be described as a social and community use. The proposal to utilise the former packing shed for the proposed use accords with the requirements of IDP Policies OC2: Social and Community Facilities Outside of the Centres and GP16(A): Conversion of Redundant Buildings.
- The site is located Outside of the Centres and forms part of an extensive Agriculture Priority Area (APA) as designated under the Island Development Plan (IDP). It is well related to a wider area of open land to the north at the western end of the airport, and fields to the east and west.

- The southern half of the site is covered in glass which appears to be in reasonable condition, albeit only a small part of that is used for growing by Edible Guernsey LBG. The northern part of the site comprises a small grassed paddock and areas of derelict or collapsed and overgrown glasshouses. Although use of the glasshouse by Edible Guernsey does not amount to a change of use requiring planning permission, the site is no longer utilised for commercial horticulture. As such it is a redundant glasshouse site for the purposes of the IDP.
- IDP Policy OC7 sets out that the starting point for redundant glasshouse sites within an APA is that they should be cleared and returned to agricultural use, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified APA or cannot practically be used for commercial agricultural use without adverse environmental impacts, and would not contribute positively to a wider area of open land.
- The site could readily be cleared and returned to commercial agricultural use, and once cleared it would contribute positively to a wider area of open land. As such any proposal to develop the site, whether in whole or in part, therefore could not be supported under the provisions of Policy OC7. However, the applicant requested that the temporary use of the packing shed as a shared community workshop for a 5-year period be considered as a minor departure from the IDP, and the application was determined and was approved on this basis.

In support of the current application, the applicant has provided a comprehensive statement which details the efforts made, without success, since the temporary permission was granted to secure alternative premises along with details of the social and community activities and facilities provided within the existing building. Having regard to the justification provided, the planning policy context and all other material considerations, it is concluded that the specific circumstances of this case are exceptional and that the harm to social and community interests if Condition 2 were retained and enforced such that the existing use was discontinued would outweigh other material planning considerations by a substantial margin. It should be emphasised that this conclusion is based on the very specific circumstances of this proposal alone, which are judged to be exceptional, and therefore sets no precedent for any other planning decision in any other case.

The proposal continues to comply with IDP Policies OC2: Social and Community Facilities Outside of the Centres and GP16(A): Conversion of Redundant Buildings. Although not supported under the provisions of Policy OC7: Redundant Glasshouse Sites Outside of the Centres, given the above conclusion along with the previous decision to make a minor departure from that specific policy, albeit on a temporary basis, it is recommended that Condition 2 of FULL/2019/1034 be rescinded. Other conditions remain relevant and are still required to be imposed.

Date: 19/02/2024

