

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: Rescind condition 5 of previously approved FULL/2020/2156 - Erect an agricultural store (revised) - retain agricultural store and alterations to fenestration (part retrospective).

LOCATION: Miellette Vinery, La Miellette Lane, Vale.

APPLICANT: Mr L Van Katwyk

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: 21/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co Ltd: LVK:19:30 03B,04B

Application Ref: FULL/2024/0210

Property Ref: C00042A000

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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/02/2021, issued under planning application reference FULL/2020/2156, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 21/05/2027 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/2024/0210
Property Ref: C00042A000
Valid date: 09/02/2024
Location: Miellette Vinery La Miellette Lane Vale Guernsey
Proposal: Rescind condition 5 of previously approved FULL/2020/2156 - Erect an agricultural store (revised) - retain agricultural store and alterations to fenestration (part retrospective).

Applicant: Mr L Van Katwyk

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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/02/2021, issued under planning application reference FULL/2020/2156, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The application site comprises a field of c3500sqm set behind a quarry on the south-east side of La Miellette Lane, with right of way across the access track from that lane.

The previously approved agricultural store has been completed and is in use, the remains of the former glasshouses have been cleared and the northern part of the site is surfaced in gravel. Planting is underway in accordance with the approved landscaping.

The site is bounded by open agricultural land to the north-east, south-east and south-west (that to the south-west falling within the same ownership) and is visible across that land from the encircling roads.

The site is located Outside of the Centres and outside of the Agriculture Priority Areas in the Island Development Plan, and falls primarily within the Northern Shores landscape character type, on the edge of the Lowland Hills.

Relevant History:

FULL/2020/0282 Erect an agricultural store. Refused 18/06/2020

FULL/2020/2156 Erect an agricultural store (revised). Approved 23/02/2021, conditioned as follows:

4. The landscaping scheme shown on the approved plans shall be fully completed in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5. This permission is given for a maximum of three years from the date of this decision notice. On or before 23 February 2024, the building shall be removed from the site in its entirety or a planning application shall be submitted for its permanent retention.

Reason - The permission is granted on the basis that the building is to be associated with a viable agricultural operation, which cannot be ascertained until such time as the operation becomes established. A temporary permission would enable the proposal to be fully assessed once the operation has become established.

6. Within six months of the date when use of the site 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.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to rescind condition 5 of the previous approval, to allow for the retention of the agricultural store on a permanent basis.

In addition to the above, the application seeks permission in retrospect for alterations which have been undertaken to the layout and fenestration of the building, including:

- The previously approved apple juice and cider production area at ground floor has changed to a goat barn, with the milking parlour expanded. The States Vet has advised that the two operations should not be mixed, as apples can have a bad reaction with the goats, therefore the apple production element of the proposals has been held back;
- A WC and small animal welfare store have been created at first floor, on recommendation of Environmental Health and the States Vet;
- An additional door to the south elevation for fire escape;
- The rear windows have slatted glazing for additional ventilation;
- The stairs were altered to metal construction;
- The lean-to store was not constructed.

The information submitted as part of the application notes the following:

- A herd of 6 Golden Guernsey goats are kept on site, with 3 further goats on order and it is planned to breed on site this year;
- There is reference to future milk and associated products, and a photograph of gelato, however no evidence that this is yet in full production;

- The goats need to be housed separately from the milking parlour and feeding station;
- Both fields are needed to meet grazing needs, and to rotate use of areas to avoid risk of worm infections and other health issues.

In support of the application the following have been provided:

- A schedule of works which have been undertaken;
- Hedges direct quote;
- Site photographs.

A letter has also been received from the Advocate instructed by the applicants, noting that policy gateways exist in both planning and legal terms for the application to be granted.

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

OC5(B) Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development

Representations:

None received

Consultations:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the application to rescind condition 5 of the previously approved FULL/2020/2156 and to retain an agricultural store at the above site. I note that the building is now being used as a goat barn with milking parlour. I confirm that I do not have any concerns about this application and do not have any objections to the proposals.

For the applicant's information, I have referred the application details to my Food Safety colleagues and the States Veterinary Officer, who may want to provide advice outside of the Planning application process.

Summary of Issues:

Whether the building is essential for the proper running of the holding and proportionate to the use of that holding.

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).**

The previous approval for the erection of an agricultural store at this site was conditioned as follows:

5. This permission is given for a maximum of three years from the date of this decision notice. On or before 23 February 2024, the building shall be removed from the site in its entirety or a planning application shall be submitted for its permanent retention.

Reason - The permission is granted on the basis that the building is to be associated with a viable agricultural operation, which cannot be ascertained until such time as the operation becomes established. A temporary permission would enable the proposal to be fully assessed once the operation has become established.

To enable the condition to be rescinded, and the building to be retained on a permanent basis, it must be demonstrated that there is now a viable agricultural holding at the site, and that the proposal complies with the terms of Policy OC5.

A herd of 6 Golden Guernsey goats has been established at the site, shortly to increase with an additional 3 goats to be brought to the site this year and on site breeding moving forward. Under the previous application it was also proposed to plant a significant number of apple trees, and to undertake cider and juice production on site. The applicant however states that further research has established that all of the land is required for goat grazing, to sustain a herd of the size intended, and this cannot occur in conjunction with apple production due to associated risks to the health of the goats. The apple growing element of the previous proposals, together with the associated production of cider and juice, has not therefore been implemented. The parts of the agricultural building previously identified to be used as part of those operations are now used as part of the activities associated with the goat herd. The Office for Environmental Health and Pollution Regulation raise no objection to the revised operations.

Although the operations on site no longer include the orchard plantation, the operations remain classified as a small holding and an agricultural use as defined under Policy OC5.

As identified in the assessment of the previous application, the building is of notable size and substantial construction. It is however acknowledged that there is a need for a structure to house the goats, to provide kidding pens and to store feed, medicine and other essentials associated with the keeping of goats, together with

machinery associated with the maintenance of the land and an ancillary area for the production of goats milk items. Provision of a structure is therefore essential for the proper running of the small holding and, as the building which has been constructed is fully utilised in association with the operations and maintenance of the small holding, it must therefore be accepted as proportionate to that use.

It remains the case that there are no other buildings on the holding which could be used for the identified purposes.

In light of the above, the activities which have been established on site are considered to fall within the definition of a small holding and would be sufficient to justify the permanent retention of the building under Policy OC5.

For the avoidance of doubt, Condition 6 would remain in place, stating:

6. Within six months of the date when use of the site 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.

The other alterations to the building set out within the Brief Description of Development above would comprise modest alterations to the building and would not have any adverse impacts on the use of the building, the character of the area or the amenity of nearby properties.

Overall the proposal complies with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 15/05/2024

