

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of agricultural land to north of site to campsite including installation of 4 glamping pitches/tents with associated landscaping, hardstanding and parking. Erect single storey workshop/store/facilities agricultural building and erect polytunnel to south of site.

LOCATION: La Folie Lane, Vale.

APPLICANT: Mr & Mrs Lovering

I refer to the application referred to below received as valid on 11/03/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 09/09/2024

Drawing Nos: Lovell Ozanne & Partners Ltd. AA98-10714 S1-01A, 02B, 03A, 04A

Application Ref: FULL/2024/0284

Property Ref: C012170000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. It has not been demonstrated that the scale of the agricultural building is proportionate to the agricultural use of the holding and further information is required to demonstrate that the existing former horticultural building would not be suitable, with or without reasonable adaptation, for the proposed agricultural use. Consequently, the proposal does not accord with Policy OC5(B).

2. The scale and particularly the height of the agricultural building and the campsite facilities building would detract from and have an adverse effect on the landscape character and openness of the area, contrary to Policies GP1, GP8 and OC8(B).

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service

Application No: FULL/2024/0284
Property Ref: C012170000
Valid date: 11/03/2024
Location: La Folie Lane Vale Guernsey
Proposal: Change of use of agricultural land to north of site to campsite including installation of 4 glamping pitches/tents with associated landscaping, hardstanding and parking. Erect single storey workshop/store/facilities agricultural building and erect polytunnel to south of site.
Applicant: Mr & Mrs Lovering

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been demonstrated that the scale of the agricultural building is proportionate to the agricultural use of the holding and further information is required to demonstrate that the existing former horticultural building would not be suitable, with or without reasonable adaptation, for the proposed agricultural use. Consequently, the proposal does not accord with Policy OC5(B).
2. The scale and particularly the height of the agricultural building and the campsite facilities building would detract from and have an adverse effect on the landscape character and openness of the area, contrary to Policies GP1, GP8 and OC8(B).

OFFICER'S REPORT**Site Description:**

The site consists of a former horticultural site which has been cleared of the above ground superstructures. During a site visit as part of this application the site was in the process of being cleared of materials, debris and structures associated with the former horticultural use of the site together with other rubbish that had been discarded on the land.

The site is situated to the north of La Folie Lane and is bounded to the east, north and south by neighbouring residential properties and to the west by a derelict glasshouse site. The site is located Outside of the Centres.

Relevant History:

Nov-Dec 2023 – PREA/2023/1993 – Pre-application advice regarding create camping pitches and erect building for agricultural and visitor accommodation purposes.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission was originally requested for the change of use of a section of agricultural land to the north of the site to create a campsite including install 4 glamping pitches/tents, parking and landscaping; to erect a poly tunnel measuring 3m by 10m and planters in association with a proposed tea growing business; and to erect a workshop/facilities building to serve the campsite and the tea growing business. The workshop/facilities building measured 5.5m by 14.8m by 5.4m (ridge height), it was proposed to be finished with timber cladding and a timber shingles roof and it included 3 showers, a glamping store, a plant room, a recreation/workshop room, a store room/office and a drying room. The tents were proposed to be 5m bell tents.

Supporting letters submitted with the original application (dated 30th January 2024 and 6th March 2024) provided details of the proposal and explained the reasoning behind the proposal. In particular, they noted that:

- The tents will be removed between the end of October and the middle of February.
- The tents will not have a temporary or permanent base.
- The workshop/services building is intended to meet the requirements of the management of the campsite and to enable the effective husbandry of the land for tea and crop growing with workspace to clean, prepare, dry and store the produce generated.
- The recreation/workshop room will have a table to seat up to 12 people for tea and herbalist-themed workshops, it will be used to process the tea and it will serve as a recreation room and provide basic amenities for campers.
- Our affiliated tea business has been in operation for 4 years.
- As well as growing all our herbs and tea, we import large quantities of organic fruits to add to our already existing blends.
- 140 tea bushes are currently earmarked which will require approximately 25sqm to accommodate them.
- It is anticipated that 2 to 3kg of white tea will be generated along with a further 40kg if not more black tea after 2 to 3 years of established growth. In addition, it is anticipated that 40 to 50kg of herbs to compliment the tea products will be generated.
- Storage is required to hold the product during its stages of processing to create the various blends and by products.
- Two workers will run the site on a more or less full time basis with a 3rd for part time duties. During the late summer/early autumn, an additional 2 workers will help with site maintenance and cropping along with any bulk product processing.

- The aim is to provide high-end glamping with a unique farm camping experience with the possibility of growth into complimentary workshops.

During the course of consideration the application was deferred due to concerns about the scale and siting of the workshop/facilities building, that it was not proportionate to the proposed agricultural and campsite use and its impact on the openness of the area. Further information was also requested to understand the scale, nature and value of the agricultural business to assess whether the processing and public workshop elements were ancillary to the agricultural/growing use of the site, and to demonstrate that a revised/reduced building is proportionate to the agricultural and campsite use of the site.

A revised application has subsequently been submitted (dated 05/07/2024) which seeks to address the concerns raised and includes relocating the facilities building and replacing it with 2 smaller buildings to the eastern side of the site and reducing the area of hardsurfacing/parking. A communal facilities building for the campsite would measure 5m by 5.2m by 4.5m (ridge height). An agricultural store/workshop building for the tea growing business would measure 5.6m by 7.5m by 5m (ridge height). Both of the buildings would be finished with timber cladding and a wood shingle roof.

Supporting letters/emails submitted with the revised application (dated 21st June 2024 and 3rd July 2024) provided details of the revised proposal. In particular, they noted that:

- The footprint and height of the buildings has been reduced and divided into two elements and the buildings have been relocated to the east of the site to reduce their visual impact and to retain the open aspect of the site.
- The access road and parking area have been reduced.
- The tea growing area will be approximately 360sqm.
- The tea processing will remain ancillary to the agricultural use, focusing on processing the tea grown on-site. It is estimated that around 100kg of tea will be processed annually.
- Tea processing will include space for drying, rolling and packaging.
- Processing activities will involve 2 part-time employees working approximately 20 hours per week.
- Processing is currently undertaken off-site and relocating this to on-site will streamline operations and reduce transport impacts.
- Public workshops will be held infrequently, limited to small groups of 3-4 people, focusing on agricultural education, tea cultivation and sustainable farming practices. The workshops are intended to complement agricultural operations and remain ancillary to the primary agricultural use.
- The campsite will feature 4 tents. The facilities building will provide essential services such as restrooms and a small communal area.

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

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

OC8(B): Visitor Accommodation Outside of the Centres – Campsites

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

17 representations were received objecting to the original application, the main points as follows:

- The size of the building is not proportionate or essential to the agricultural and campsite uses.
- The size, siting and design of the building does not respect the character of the area or the openness of the land.
- The importation of products to use in the processing of the tea amounts to a light industrial use.
- Concerns raised about road safety and traffic management due to narrow lane, poor sightline from La Folie Lane onto Route Militaire, the potential number and type of vehicles to the site including sewage trucks and the lack of parking on-site.
- Proximity to and impact of campsite on neighbouring residential properties due to noise, disturbance, litter and privacy.
- The campsite will be out of character with the area and is not an appropriate use for the site including due to the number and proximity of domestic properties in the area.
- Impact of workshop/group events on neighbouring residential properties due to noise and disturbance.
- The campsite and workshop uses are not ancillary to the agricultural use of the site.
- Highlights the potential for contaminated land due to the previous horticultural use of the site.
- The proposed development has been designed to facilitate a dwelling in future with 1st floor accommodation.
- No details have been provided about how the site would be serviced, particularly the removal of sewage and foul water.
- The nature conservation value of the site and the importance of the land as a wildlife corridor should be taken into account.
- The site is too small for a campsite and all of the associated facilities.
- Insufficient information to assess whether the proposal will support biodiversity in the long term.
- The existing packing shed could be used for the proposed agricultural uses.
- Changes to the water environment of the site could increase the risk of flooding of surrounding properties.
- Works have begun on site including clearance of land, the installation of planters and planting.

15 representations were received objecting to the revised application, the main points as follows:

- The revised proposal has not addressed concerns previously raised.
- Concerns remain about the impact on the amenities of neighbouring residents, road safety and traffic.
- Relocating the facilities buildings closer to neighbouring properties will increase the impact on neighbouring residents due to noise and odours.
- The economic viability of the business is weighted towards the glamping and workshop operations and are not ancillary to the agricultural use.
- A thorough examination into the potential contamination from previous uses is necessary before any development proceeds.
- Reduced parking is insufficient.
- Campsite is inappropriate within a residential area and will affect the character of the area and will disturb its quiet and tranquil nature.
- Importation of produce and processing of tea should be assessed as a light industrial use and is not ancillary to the agricultural use of the site.
- Revised plans only provide limited betterment with regards to the visual impact and still significantly adversely affect the landscape character of the area.
- Overdevelopment of the site.
- Notes that that the campsite must support the visitor economy and should not provide long-term residential use.
- Insufficient information to assess whether the proposal would result in a net ecological gain.

Consultations:

The Office of Environmental Health and Pollution Regulation, 02/04/2024

“I have reviewed the proposed plans for a glamping site and tea growing / manufacturing business to be erected at the above mentioned Cadastre reference, which were received by email on 12th March 2024 and there is insufficient information to allow me to comment.

I would welcome the following information:

- Details of the kitchenette / tea handling and cleaning area.
- Details of food washing facilities and wash hand basins.
- Details of the proposed plant that is to be stored within the plant room.
- Details of the facilities proposed for the drying room i.e. heaters, mechanical ventilation, hand washing facilities.
- Details of any proposed events that may require a PA system.

Once this information is received I would be happy to review the application again.

As the land parcel previously housed a greenhouse, it is likely that we would recommend a Potential Contaminated Land condition.

I would urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss the proposed tea business operation”.

The Office of Environmental Health and Pollution Regulation, 15/04/2024

“I have reviewed the additional information received for the proposed plans for a glamping site and tea growing / processing business to be sited at the above mentioned address, which were received by email on 5th April 2024 and I recommend the following condition:

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.
- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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

Requested details of the kitchenette and drying room are yet to be received. As such, I would strongly urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss the legal requirements for food safety and hygiene”.

Summary of Issues:

- Whether a campsite is acceptable in principle
- Scale, design and impact on the landscape character and openness of the area
- Impact on the reasonable enjoyment of neighbouring properties
- Road safety, traffic management and parking

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).**

Policy OC5(B) refers to farmsteads and agricultural holdings. A farmstead is defined in the Island Development Plan as *“the part of a farm comprising its main buildings together with adjacent ancillary service areas”*. An agricultural holding is defined as *“the aggregate of land under a single management forming an economic unit engaged in agricultural production activities”*. There is not an existing farmstead or agricultural

holding at the application site and the proposal must therefore be regarded as the development of a new farmstead.

Policy OC5(B) states that *“the development of new farmsteads will not generally be supported unless:*

- a. it is demonstrated that the development is essential for the proper running of an agricultural holding; and,*
- b. the development is of a scale which is proportionate to the agricultural use of a holding; and,*
- c. there are no other existing buildings on the holding which could with or without reasonable adaptation be otherwise used for the proposed purposes; and,*
- d. the proposal does not involve the erection of a new dwelling house”.*

Information has been submitted setting out the purpose of the agricultural store/workshop for the management of the land, the processing of the tea and to hold infrequent public workshops. It is accepted that a small scale building could be essential to serve the proposed agricultural holding. However, concerns remain that the information submitted has not demonstrated that the scale of the proposed building is proportionate to the agricultural use of the holding. This includes providing further clarification about the produce that would be grown on the site and produce that would be imported to create the tea products. The submission of a business case including estimated costs and values of the various elements of the proposed uses would also be useful. In addition, further information is required to demonstrate that the existing former horticultural building would not be suitable, with or without reasonable adaptation, for the proposed agricultural use.

It is understood that the planters and polytunnel would be used to grow herbs to be used in the tea products. On this basis there are no objections to the installation of the planters and polytunnel provided that they are removed once no longer required or if the agricultural use ceases. Details of the design and construction of the planters would be required but this could be dealt with by condition.

The revised proposal to hold infrequent public workshops for small groups of 3 to 4 people focusing on agricultural education, tea cultivation and sustainable farming practices, has the potential to be of a scale and nature to be considered as being ancillary to the agricultural use of the site. However, clarification would be required on the frequency of such events to ensure that this would be the case. The application does not involve the erection of a dwelling house.

The site forms part of a modest area of open and undeveloped land which provides a useful break between the surrounding built development and contributes positively towards the semi-rural character of La Folie Lane. Whilst the revised proposal has reduced the visual impact of the built form of the development, concerns remain that the scale and particularly the height of the agricultural building would form an overly prominent feature when viewed from La Folie Lane and would have an adverse effect on the landscape character and openness of the area, contrary to Policies GP1 and GP8.

Policy OC8(B) supports the creation of new campsites provided that the site is not within an Agriculture Priority Area; the scale of any permanent development is proportionate to the scale of the camping operation concerned; the development does not have a significant adverse effect on the visual quality or landscape character of the area; all associated development is proportionate and ancillary to the campsite operation; and all structures are removed upon cessation of the use or when no longer required. Provided that the campsite accords with the requirements of Policy OC8(B), the campsite could form a standalone use and it would not be necessary for the campsite to be ancillary to the agricultural use of the site.

The site is not within an Agriculture Priority Area. The tents are proposed to be removed between the end of October and the middle of February each year and the tents will not have a temporary or permanent base. The footprint of the facilities building and the provision of 2 showers and a kitchen could be proportionate and ancillary to serve 4 tents. The campsite would be set back from La Folie Lane but it would be clearly visible from the highway. Although planting could be an effective means of screening the tents and the campsite as a whole, particularly as tents would be removed during the winter months, no details of the planting has been provided and there are concerns that the depth of planting areas is unlikely to provide an effective screen. In addition, the scale, and particularly the height, of the facilities building would detract from and have an adverse effect on the openness and landscape character of the area, contrary to Policies GP1, GP8 and OC8(B).

Campsites are intended as a means to support the visitor economy and are not to provide long-term residential accommodation. The use of campsites for visitor accommodation only can be controlled by applying planning conditions, such as by limiting the length of individual stays. The limited size of the site and the characteristics of the immediately surrounding area are somewhat unusual for a campsite and there are concerns about the long term viability of the campsite. Whilst this in itself is not a material planning consideration, there would be concerns if the campsite use ceased and the facilities building remained in situ. As a result, the facilities building would be required to be removed from the site should the campsite use cease, and this can be controlled by condition.

A number of objections have been raised by neighbouring residents regarding concerns about the proximity of the campsite to neighbouring properties and the potential for noise, disturbance, litter and a loss of privacy. Issues regarding noise and disturbance can be difficult to objectively assess, however the application was referred to the Office of Environmental Health and Pollution Regulation for comment, and they did not raise any objection to the principle of a campsite in this location. The fears of neighbours may be alleviated to an extent by applying planning conditions to prevent potential noise nuisance from amplified music, loudspeakers or a public address system and to limit noise associated with plant and machinery. In addition, if necessary, statutory controls can be imposed by Environmental Health to prevent nuisance. Due to a combination of existing boundaries and the distance to and relationship with neighbouring dwellings, the proposed use raises no specific concerns with regards to a loss of privacy. Landscaping could also help to provide additional screening. Although the campsite use has the potential to cause a degree of noise and disturbance to neighbouring properties,

particularly the adjoining dwellings to the north and east, the scale and potential number of occupants of the campsite is relatively modest and the resultant degree of harm is unlikely to result in a material adverse effect on the amenities of neighbouring residents to justify the refusal of this application.

A number of objections have been received raising concerns about the impact on road safety and traffic management, due to the potential increase in traffic along La Folie Lane, and the lack of on-site parking for the proposed uses. However, by virtue of the nature and relatively modest scale of the agricultural and campsite uses, the development is not anticipated to generate a significant amount of traffic movements to and from the site. There are some concerns about the on-site parking provision with only 3 spaces to serve 4 tents and it is unclear what parking or other travel arrangements would be put in place for the public workshops. Further details of how it is intended to manage the demand for parking from the various uses would be required. Provided that suitable parking/travel arrangements can be put in place, the proposal is unlikely to raise any significant road safety or traffic management grounds to oppose the application.

To address the concerns raised by The Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land, a method statement could be requested to identify, risk assess and address contaminants should contamination be found during the works.

Details of the provision of services, particularly regarding the management and disposal of sewage from the site have not been provided. Further details would be required to assess this but it is likely that suitable arrangements could be put in place.

The site is not within an Area of Biodiversity Importance and there is no specific planning policy requirement for the development to result in an enhancement of biodiversity. However, the landscape plan has the potential to minimise the impact on biodiversity and precise details including a planting schedule would be required to assess this further.

Due to the overall footprint and scale of built development on the site and its distance to the douit to the north of the site, it is unlikely that the proposed development would have a significant effect on the risk of flooding.

In summary, a small scale building could be essential to serve the proposed agricultural holding and in principle Policy OC8(B) provides scope to create a campsite on the site. However, it has not been demonstrated that the scale of the agricultural building is proportionate to the agricultural use of the holding and further information is required to demonstrate that the existing former horticultural building would not be suitable, with or without reasonable adaptation, for the proposed agricultural use. Consequently, the proposal does not accord with Policy OC5(B).

In addition, the scale and particularly the height of the agricultural building and the campsite facilities building would detract from and have an adverse effect on the

landscape character and openness of the area, contrary to Policies GP1, GP8 and OC8(B).

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.

It is recommended that the application is refused.

Date: 09/09/2024