

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: Change of use of agricultural building (Use Class 28) for the use of Tree Surgery Business (Light Industrial Class 22) - Retrospective

LOCATION: La Ramee, Route De La Ramee, St. Peter Port.

APPLICANT: Mr C Stonebridge

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: 18/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan 1:1250 and Block Plan 1:500 both date stamped 12th March 2024.

Application Ref: FULL/2024/0473

Property Ref: A209100000

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.The buildings outlined in red, and land outlined in blue on the approved 1:500 plan shall be used only for the tree surgery businesses as set out in the application submission (Storage and Distribution Use Class 22) and for no other purpose whatsoever, including any other purpose in Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5.No use of the premises shall be carried out other than between 08:00 hours and 16:30 hours on Mondays to Fridays, and 08:00 hours and 12:00 noon on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the rural environment.

6.The application allows the use of the site (including building and surrounding land indicated on plans) for storage and distribution uses only, and no other ancillary or incidental industrial uses (such as the chipping of logs) shall operate onsite whatsoever.

Reason: to safeguard the amenity of the area and living conditions of surrounding residential properties.

7.Any external storage on the site associated with the approved use shall not exceed a maximum of 2.5m in height.

Reason: To protect the character and amenity of the rural area.

Expiry Date: This permission will cease to have effect on 18/07/2027 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/2024/0473
Property Ref: A209100000
Valid date: 12/03/2024
Location: La Ramee Route De La Ramee St. Peter Port Guernsey
GY1 2TP
Proposal: Change of use of agricultural building (Use Class 28) for the
use of Tree Surgery Business (Light Industrial Class 22) -
Retrospective
Applicant: Mr C Stonebridge

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. 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. The buildings outlined in red, and land outlined in blue on the approved 1:500 plan shall be used only for the tree surgery businesses as set out in the application submission (Storage and Distribution Use Class 22) and for no other purpose whatsoever, including any other purpose in Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5. No use of the premises shall be carried out other than between 08:00 hours and 16:30 hours on Mondays to Fridays, and 08:00 hours and 12:00 noon on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the rural environment.

6. The application allows the use of the site (including building and surrounding land indicated on plans) for storage and distribution uses only, and no other ancillary or incidental industrial uses (such as the chipping of logs) shall operate onsite whatsoever.

Reason: to safeguard the amenity of the area and living conditions of surrounding residential properties.

7. Any external storage on the site associated with the approved use shall not exceed a maximum of 2.5m in height.

Reason: To protect the character and amenity of the rural area.

OFFICER'S REPORT

Site Description:

The site is accessed from Route de la Ramee and is occupied by three agricultural buildings. A separate building is located to the north but is not part of this application.

The site is located Outside of the Centre and within the Agriculture Priority Area (APA), as designated in the Island Development Plan (IDP).

Relevant History:

n/a

Existing Use(s):

28 Agriculture

Brief Description of Development:

The application seeks to change the use of the existing agricultural buildings (use class 28) for use in association with a tree surgery business (use class 22- Storage and Distribution).

The Application notes that no external storage is proposed and hours of operation would be 7.30 till 16:30 Monday to Friday, and 08:00 till 12 noon on Saturdays and not at all on a Sunday/Public Holidays.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP16(A): Conversion of Redundant Buildings

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

The Guernsey Farmers Association were consulted on the application and stated that:

“The property is well known to the Association having been a former dairy farm and more recently a beef rearing unit. Over this time the agricultural industry has changed significantly with a gradual contraction of farm holdings with fewer but larger farming operations and the adoption of higher welfare standards. As such the buildings at La Ramee have not actively contributed directly to the agricultural industry for the last ten years when it ceased housing livestock.

As mentioned by the applicant’s representative the surrounding fields and part of the farm buildings were sold to new owners last year and whilst the current intention is to farm the surrounding land, the use of the buildings is unclear as the dairy farm owned by the new owners is some distance away in St. Andrews. It is also unlikely that the site would be suitable for livestock housing whilst also adhering to the standards set out by the RSPCA Assurance Scheme which were adopted since it was last used for livestock. The building, to which this planning application attaches, is certainly no longer suitable for housing livestock and would have been used for machinery/drystock storage and therefore its usage under the new change of use would be not dissimilar. The GFA finds it incredibly unlikely that the farm building in question, given its closer proximity to the ‘Ramee’ dwelling that it will need to be returned to agricultural use and the retention of the remaining buildings under different ownership provides scope for agricultural use should this be required.”

The Office of Environmental Health and Pollution Regulation were also consulted:

I have reviewed the proposed plans for La Ramee Farm which were received by email 1st June 2024 and there are a number of issues of concern that I must raise. The application is for change of use, (Storage and Distribution Use Class 22) and for no other purpose. With this in mind, I have concerns for the noise associated with the chipping and cutting on the site. The cover letter also details that, in 2.6, "any chipping or cutting of logs is generally undertaken on the specific sites being worked and not the Property" (La Ramee Farm). As such, I believe there is capacity for no chipping or cutting to take place on the site and the below condition in regard to cutting and chipping can be complied with.

I note from the cover letter, point 2.8, that "in terms of working or access hours, the Applicant suggests between 07:30 hours and 16:30 hours on Mondays to Fridays, and 08:00 hours and 12:00 noon on Saturdays, and there shall be no working on Sundays or Public Holidays."

I understand from the cover letter the applicant believes the noise will be less than the current agricultural uses. However, nuisance is also characterised by the frequency and character of noise, not just the loudness of the activity. As such, I believe that the hours should be conditioned to start at 08:00. Therefore, I believe the below condition in regard to hours of operation should be applied and I also agree with the applicant, detailed in the cover letter appendix II, that "a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the rural environment".

I also note that the applicant has specifically said there will be no installation of external lighting detailed in 2.13 of the cover letter.

I would therefore recommend that the below condition is applied to prevent any nuisances caused to residents on the La Ramme from lighting the site and can easily be complied with.

- *No chipping of logs should take place on site at any time.*
- *There shall be no external lighting of the site.*
- *No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:30 on Monday to Friday and 08:00 and 12:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.*

Summary of Issues:

The key issue in this case relate to the principle of the change of use and whether appropriate justification has been provided to demonstrate that the farmstead is no longer required for agricultural purposes, other considerations include the justification for the business to operate from this site Outside of the Centres along with matters relating to residential amenity and highway safety.

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(A) of the IDP states that proposals that would result in the loss of an existing farmstead or agricultural holding in the APA will only be supported where it is demonstrated that the farmstead is no longer required for agricultural purposes, and any new use accords with other relevant policies.

The application site is comprised of three agricultural buildings which are internally linked, and provide a floor area of approx. 6,000sqm. The site was part of a larger farmstead, with the adjacent buildings immediately to the south remaining in active agricultural use along with a large area of land to the south. The application indicates that the majority of the agricultural holding was sold and is now in separate ownership from the application site, adjacent outbuilding and farmhouse.

The application details in the letter received 31st May, states that the agricultural buildings were not included in the sale for a number of reasons, including the need to keep the buildings to store remaining agricultural machinery, to act as a buffer to their residential property, and explore future planning gain. They also state that the building was not required by the purchaser due to its height, age, condition, access and proximity to the house, and that it was erected in 1970s for the purposes of dairy farming but is no longer suitable for dairy farming/cow storage due to changes in modern farming and animal welfare laws.

This has been considered by Guernsey Farmers Association who have advised that the buildings have not held livestock for around 10 years as they are no longer suitable because it is not possible to achieve the necessary RSPCA Assurance Scheme standards without significant investment and alteration to the buildings. The surrounding land and buildings are now owned by an established dairy farmer based in St Andrews.

It is therefore considered that this section of the farmstead is no longer required for agricultural uses, and the application accords with Policy OC5A in this respect.

Policy OC3 clearly specifies that new storage and distribution uses may be situated Outside of the Centres only where there is a justifiable need for the business to be located outside any of the Centres due to the special nature or requirements of the business operation or due to a lack of suitable alternative sites in the Centres. The submission sets out that the operator has been unsuccessful finding other suitable premises. It is also recognised that the arboricultural operations would reasonably be operated from Outside of Centre locations given the nature of the operations but

also the requirements of the business for machinery and log/chip storage. In this regard therefore, the scheme accords with Policy OC3.

Policy OC3 also requires the proposal to represent a brownfield site or the conversion of a redundant building. Although the surrounding land and buildings are actively in use for farming, the buildings which are subject to the application have not been used for livestock for some time and are no longer suitable for that purpose. In addition, given that the GFA have stated that they find it “incredibly unlikely” that the buildings will need to be returned to agricultural use, it is accepted that the buildings are not required for their last known purpose in this instance.

The submission argues that the scheme relates to brownfield land. Brownfield land is defined in the IDP as:

Also known as ‘previously developed land’. Land which is, or was, occupied by a permanent building or structure and infrastructure such as roads. It also includes land within the curtilage of an existing building. It does not include land used for agricultural or horticultural purposes, fortifications, or sites where a structure is disused and now forms an integral part of the open landscape.

In view of the above, the scheme would satisfy Policy OC3 in this respect given that the application relates to the reuse of a substantial barn which was constructed around the 1970s.

The development does not require external alterations to the buildings associated with the change of use proposed and the functional appearance of the barn represents a good standard of design that respects the character of the open rural landscape concerned. Bringing the building into use contributes towards the efficient and effective use of land through the reuse of an existing building.

The development will not result in harm to residential amenities in terms of sunlight/daylight and privacy.

Consideration should be given to the noise associated with the proposed development and its potential impact on residential amenity. As the existing agricultural use of the site has potential to generate a reasonable level of noise and disturbance, this must be balanced against the anticipated noise and disturbance generated by the proposed use. The storage and distribution use would not specifically involve the use of logging or chipping machinery which would represent an industrial use, although an element of wood chipping work may be undertaken on the basis that it is very occasional and incidental/ancillary to the principal use without amounting to a material change of use. Environmental Health have assessed the application and consider that there is no capacity at all for the onsite chipping of logs due to the proximity to residential dwellings and state that nuisance is also characterised by the frequency and character of the noise, not just the volume of the

activity. For this reason, they have also requested that no loading/unloading or vehicular movements should take place before 8.00am.

Should other activities occur on the application site that do not fall within the storage and distribution use class, a further application would be required.

The application states that no external lighting will be installed and an informative note has been applied to remind the applicant that this would need permission.

The application site includes some of the land adjacent to the buildings which could allow some external storage, although the application states this is not required. The existing agricultural use could result in some external storage, and the site is generally well screened, with the narrow strip of land to the west of the barns providing access to the south and allowing only very limited external storage. The concrete aprons of the buildings to the east are also relatively limited in size, also, due to access requirements storage here would have a limited visual impact in the wider area. On this basis and in this particular case, a condition limiting the height of any external storage is considered appropriate.

The application has been assessed specifically on the basis of the business/operational requirements of the arboricultural operators and not any, general storage and distribution operator. It is therefore reasonable and necessary to remove exemption rights regarding the use of the premises having regard to the permitted changes that could ordinarily take place without the specific grant of planning permission. This is to ensure that any other use of the buildings can be properly assessed in terms of their possible impacts, on residential amenity in particular.

It is recommended permission is granted for the proposed use subject to conditions.

Date: 02/07/2024