

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 vehicular access to north boundary.

LOCATION: Land at, D' Un Courtil Appele, La Hougue Anthan Site, Route De Pleinmont, St. Pierre Du Bois.

APPLICANT: Mr F Le Cheminant

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: 08/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and annotated photo (Both dated 11/04/24).

Application Ref: FULL/2024/0600

Property Ref: F010120000

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.

Expiry Date: This permission will cease to have effect on 08/05/2027 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/2024/0600
Property Ref: F010120000
Valid date: 11/04/2024
Location: Land at D' Un Courtil Appele La Hougue Anthan Site Route De
Pleinmont Route De Pleinmont St. Pierre Du Bois Guernsey
Proposal: Widen agricultural vehicular access to north boundary.

Applicant: Mr F Le Cheminant

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

OFFICER'S REPORT

Site Description:

The parcel of land known as 'D'un Courtil Appele' is a strip of land situated to the south of Route de Pleinmont (close to the junction with Rue de L'Aitte opposite). There are detached residential sites to the east and across the road to the north, to the west and south are other open agricultural fields. The property is located Outside of the Centres and within the Agriculture Priority Area (APA) as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to enlarge the existing vehicular opening to the field from approximately 3m to 5m wide.

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

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

GP8: Design

Representations:

There have been two letters of representation and the issues are:

- This land is within an Agricultural Priority Area, Outside of the Centres and therefore the widening of the existing access may result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Area as it is a concern that this will encourage more non-agricultural related vehicles to utilise this access, when this land is being used for Weddings and other events.
- The location of this access to the Land is on a blind corner giving limited visibility to oncoming traffic from the East along Route de Pleinmont. Route de Pleinmont is renowned for vehicles driving fast and over the speed limit which is a concern to then have vehicles egressing at this location.

- This access has not been used for many years, most likely due to its dangerous location. Access to this field by Smithfield Farm is currently via the land owned by Smithfield Farm, opposite the owners Mr and Mrs Le Cheminant's property and adjacent to property 'La Fourtchie' and then behind the properties 'La Fourtchie', 'Vaunac' and 'Masion Beauval' via the land owned by Smithfield Farm.
- This land is being used as car park for up to 100 cars during the Spring/Summer/ Autumn months for weddings and events. This is not a purpose that is ancillary or ordinarily incidental to the existing principal agricultural use, resulting in the loss of an existing farmstead or agricultural holding in the APA. Smithfield is a very active and current farmstead and this land continues to be required for agricultural purposes.
- The vehicles that are parked in this field, albeit temporality will affect the natural beauty and landscape quality of the area and the health and wellbeing and reasonable enjoyment of the neighbouring properties.
- Concerns are that there will be increased activities that are not ancillary or ordinarily incidental to the existing principal agricultural use.
- There are no details provided of how the opening would be executed. Will the earth bank be maintained or is another material being introduced? How the widening of the access is executed could affect the character of the area.
- There are objections to the above Application on the basis that the Field has, since 2021, been regularly used as a car park which constitutes a change of use under Guernsey planning law. We assume that the purpose of the present application is to widen the vehicular access to the north boundary in order to enable easier access for users of the car parking on the Field. Indeed, the only time that the Applicant clears the vehicular access point on the north boundary (which is otherwise left to overgrow with bushes/weeds) is in order to allow persons to access the Field for car parking. The Applicant uses the south-eastern vehicular access point of the Field in order for agricultural vehicles to access the Field. By approving the present application, the Planning Authority will be enhancing and enabling further breaches of planning law.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Enlarging the vehicular opening will allow modern farming vehicles to enter and exit the field onto the main road more easily, however, there is already an access at the southern end of the field.

Many agricultural fields, which border the road, have existing vehicular openings, the majority of which have been adapted to allow modern day farming machinery access. Due to this, the proposals are considered to be appropriate and are not thought to have any detrimental impacts on the character and appearance of the surrounding area, nor will it have any adverse effects on neighbour amenity. The impacts of the temporary use of the field for parking on neighbours is acknowledged but this cannot be considered sufficient reason to warrant the refusal of the application.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

Enlarging the roadside access is not presuming the use of the field is to change in any way, the land is within the Agriculture Priority Area and the lawful and primary use is for agriculture only. However, temporary use for car parking is also not unusual on the fields in and around this area, which does not amount to a change of use as long as it is on a temporary basis.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 08/05/2024

