

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: Demolish existing shed, erect agricultural store (Use Class 28) to east of site.

LOCATION: Contree des Clercs, Rue Du Campere, St. Pierre Du Bois.

APPLICANT: Mr & Mrs A Bates

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: 15/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd 7641-03-B1 & B2

Application Ref: FULL/2024/0659

Property Ref: F009120000

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 15/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The area is of archaeological interest and if anything of interest is found during the approved works, please contact the States Archaeologist.

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/2024/0659
Property Ref: F009120000
Valid date: 10/04/2024
Location: Contree des Clercs Rue Du Campere St. Pierre Du Bois
Guernsey GY7 9DA
Proposal: Demolish existing shed, erect agricultural store (Use Class 28)
to east of site.

Applicant: Mr & Mrs A Bates

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.

INFORMATIVES

The area is of archaeological interest and if anything of interest is found during the approved works, please contact the States Archaeologist.

OFFICER'S REPORT

Brief Description of the site:

The site is located close to the west coast and Rocquaine Bay, and is accessed via Rue Campere. The site slopes steeply up to the south-east and the south, and also falls fairly steeply down towards Rue Campere to the north of the site.

The existing dwelling is located towards the centre of the open L shaped site, and is a bungalow which appears to have been previously extended to the east and south. The existing bungalow has extant permission for raising the roof to allow for new first floor accommodation, additional extensions and solar panels.

There are two large outbuildings within the curtilage and a domestic glasshouse.

The site is located Outside the Centre and within the Agricultural Priority Area as identified in the Island Development Plan (IDP).

Relevant History:

Pre-application advice was sought in this case.

CURT/2021/2054 – Definition of curtilage – land to the south and east of the dwelling falls within curtilage with a field accessed from Rue Des Cambrees and a field to the south, parallel to Rue Des Clercs represent agricultural land

Existing Use(s):

01 dwellinghouse

28 agriculture

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☐

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

Island Development Plan policies:

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

Representation:

La Societe Guernesiaise – Whilst La Societe is generally supportive of the local farming industry, we would question whether the proposed agricultural store measuring c.440sqm is proportionate to the needs of the applicant. For reference, we are aware of commercial agricultural contractors who house several tractors and associated farming implements in stores of 300-350sqm.

We would also highlight that apart from the small existing shed, the landscape does not host any significant development and with that in mind, we would recommend that if a new store (of any size) be located within the adjacent land parcel to the west of the current proposed location and be screened with suitable native trees and shrubs.

Consultation:

States Archaeologist – There is some minor archaeological interest in the vicinity of this site, in the form of a record of a Neolithic stone axe found in a field immediately to the south-east. I would be grateful if a note could be placed on the decision notice to the effect that the States' Archaeologist should be informed if anything of archaeological interest is uncovered during the development.

Conclusion/Brief comment:

The application relates to the erection of an agricultural building within a field to the east of Contree Des Clercs. The building is shown to have a hipped roof and with a green clad exterior (walls and roof). A pedestrian door is proposed in the east elevation and a vehicular door in the north elevation, adjacent to the field gate leading to a smaller field between the application site field served via a track from Rue Des Cambrees and the recognised curtilage to the west. The submission has been accompanied by supporting information in relation to the proposed development, specifying that an existing domestic outbuilding is used for agricultural purposes but is required for domestic storage and that no other buildings would be available or suitable for this purpose. The submission also details equipment

currently/proposed to be stored within the proposed building. The submission highlights that there would be good access from both the field to the east and curtilage to the west and that the valley location and design of building is such that it would have limited impact on the open landscape.

The IDP does make provision for new agricultural development on agricultural land within the APA but only where there are no other buildings or structures on the holding that could be used for that purpose. In this case there are several detached (double/triple) garages within the recognised curtilage of Contree Des Clercs and the submission sets out that they are required/used for domestic storage. The domestic scale garage door opens may also preclude access to some machinery.

Although the public consultation process has questioned the size of building proposed the submission has included information regarding the nature/scale of storage proposed. Offering sufficient under cover storage to serve the needs of the holding will reduce the potential for machinery to be stored outside and on open and undeveloped agricultural land (storage of such equipment on agricultural land would not represent an agricultural use). The level of storage is considered satisfactory given the supporting information provided in this case.

The building has been designed with a low roof and functional appearance given its intended use. This represents a satisfactory standard of design that will respect the open landscape concerned (GP8).

The application site sits low in the landscape given the topography of the surrounding land and as a result the building would not be highly publicly visible (GP1). Although the public consultation process has identified that further landscaping should be introduced there is a balance in cases such as this between the introduction of development of the scale and nature proposed and its wider impact. Given that it is substantially hidden from public view it would be difficult to justify that landscaping is necessary in order to assimilate the development to its surroundings. In this case therefore, a landscaping scheme is not considered reasonable and necessary.

The building would be situated well away from all residential properties and will not generate overshadowing or overlooking (GP8).

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with the Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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.

In view of the above, it is recommended permission is granted for the proposed agricultural storage building.

Recommendation:

Grant with Conditions



Date: 13/05/2024

