

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 land to extend use of tree surgery business (Storage and Distribution Use Class 22) (1,400sqm) (retrospective), and install hardstanding to west and east of building.

LOCATION: Le Gron Farm, Rue Du Gron, St. Saviour.

APPLICANT: Mr S A Hall

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: 23/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan (1:1250)

Application Ref: FULL/2024/0835

Property Ref: E000160000

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.Within three months of the date of this permission a scheme for the treatment of the north site boundary of the approved external storage associated with the existing tree surgery businesses that operate from the site shall be submitted to and agreed in writing by the Authority. The approved boundary treatment shall be installed/planted within the first planting season following the grant of this permission and shall thereafter be retained at all times.

Reason - To ensure the boundaries of the enlarged storage and distribution curtilage is clearly defined and respected.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no change of use to any other use authorised through Class 8 of the Exemptions shall be undertaken without the express, written permission of the Development & Planning Authority.

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.

6.The external area, around the existing barn, hereby approved 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 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.

Expiry Date: This permission will cease to have effect on 23/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Permission is granted for a storage and distribution use (Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017. This permission does not extend to regular, on-site chipping of logs which represents a general industrial use. If the level and frequency of chipping on site increases and intensifies this may represent a material change of use for which permission is required. Please contact the Planning Service should this, or other aspects of the business operation, change to enable the matter to be considered more fully and, if necessary for an application to be submitted which will be the subject of all the usual advertising processes.

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/2024/0835
Property Ref: E000160000
Valid date: 07/05/2024
Location: Le Gron Farm Rue Du Gron St. Saviour Guernsey GY7
Proposal: Change of use of agricultural land to extend use of tree surgery business (Storage and Distribution Use Class 22) (1,400sqm) (retrospective), and install hardstanding to west and east of building.

Applicant: Mr S A Hall

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. Within three months of the date of this permission a scheme for the treatment of the north site boundary of the approved external storage associated with the existing tree surgery businesses that operate from the site shall be submitted to and agreed in writing by the Authority. The approved boundary treatment shall be installed/planted within the first planting season following the grant of this permission and shall thereafter be retained at all times.

Reason - To ensure the boundaries of the enlarged storage and distribution curtilage is clearly defined and respected.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no change of use to any other use authorised through Class 8 of the Exemptions shall be undertaken without the express, written permission of the Development & Planning Authority.

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.

6. The external area, around the existing barn, hereby approved 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 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.

INFORMATIVES

Permission is granted for a storage and distribution use (Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017. This permission does not extend to regular, on-site chipping of logs which represents a general industrial use. If the level and frequency of chipping on site increases and intensifies this may represent a material change of use for which permission is required. Please contact the Planning Service should this, or other aspects of the business operation, change to enable the matter to be considered more fully and, if necessary for an application to be submitted which will be the subject of all the usual advertising processes.

OFFICER'S REPORT

Brief Description of the site:

The main house at Le Gron Farm, Rue Du Gron is currently vacant. Two detached buildings are situated to the east of the main farm and a modern building is situated to the north of these, the authorised use of which is for storage and distribution (tree surgeons). A vehicular access exists from Route Des Bas Courtils and opposite La Planque and provides access between the detached buildings and beyond them. To the rear/north of the barns is an area where logs are currently stored along with piles of wood chipping with associated machinery. Land to the east, north and south is open and undeveloped agricultural land. Residential properties are situated to the west of Rue Du Gron.

The application relates to the change of use of agricultural land to an area of external storage associated with the approved Tree Surgery Business (Use Class 22). An area to the north/rear and both sides (east and west) of the existing building is proposed to be incorporated into this approved use with hardcore/stone chippings to be laid to the east and west.

The submission sets out that the quality of the land to the north of the building is boggy and not suitable for agricultural use but also that there is no evidence of it ever having been actively used. The hardcore proposed to either side of the building are used as access for machinery which, during autumn, winter and spring is very wet making access difficult/impossible. The submission indicates that the hardcore would be exempt.

The area of land is proposed to be utilised for the storage of logs and woodchips. Logs are a byproduct of the industry and stored here until they can be processed for firewood/delivered for others undertake this process. Woodchips are often used on site by local farmers for cattle bedding or field accesses during bad weather. The woodchips are also used in local parks and gardens e.g. Saumarez Park. The submission reiterates that chipping occurs off-site wherever possible but if at this site only between 10am and 4pm weekdays only (if absolutely necessary).

The site is located Outside of the Centres, within the Agriculture Priority Area and Airport Consultation Zone.

Relevant History:

FULL/2023/0249 - Change of use of outbuildings to be used for Tree Surgery Business (Storage and Distribution Use Class 22) (Retrospective) – granted

Existing Use(s):

01 dwellinghouse
28 agriculture
22 tree surgery

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
OC3: Offices, Industry and Storage and Distribution Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for the change of use of agricultural land to extend the use of tree surgery businesses at the above site and refer to consent reference FULL/2023/0249 and note that a change of use has previously been issued in relation to an outbuilding at the above site. Whilst this office was not previously consulted on this application, I am concerned about the potential for noise nuisance at the site.

I note that the previous consent conditioned the hours of use of the premises, and I would therefore recommend that the same condition is transferred onto this consent. In addition, I would also recommend that that following condition is attached:

- No chipping of logs should take place on site at any time.

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

ACLMS – It appears that an area of scrub has been cleared to enable this use to take place at the north of the barn. No information has been provided on whether change of use will achieve an enhancement in biodiversity. Recommendation: Assess impact

of change of use, using pre-use as baseline (dense scrub), and provide details on how biodiversity enhancements will be achieved.

Conclusion/Brief comment:

The change of use of a section of land to the immediate rear of the existing building serving the tree surgeon businesses and to either side would accord with Policy OC5(A) as it would not undermine the commercial function of the APA.

Policy OC3 offers support to extend/alter existing storage and distribution or premises and the change of use of land set out in this submission also accords with this element of the IDP.

The area of development is closely related to the existing buildings on the site and would not be highly visible given the recently planted (part of the previous permission) hedgerow and other established landscaping around the site. The development will not result in harm to the open landscape concerned (GP1 and GP8).

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. The condition recommended by OEHPR regarding chipping has been noted. Nonetheless, it remains the case that as a storage and distribution use this would not involve the use of logging or chipping machinery which would represent an industrial use and the change of use. The introduction of the logging/chipping would represent a change of use to an industrial purpose requiring different policy consideration. The storage and distribution use proposed will not result in harm to residential amenity having regard to Policy GP8.

Following the grant of permission for the change of use of land, in line with Class 4 (3) of The Land Planning and Development (Exemptions) Ordinance, 2023 the proposed hardstanding to either side of the building would represent exempt works that would not require the specific grant of planning permission. It is, however, reasonable first to consider whether exemption rights would be removed in relation to hardstanding. Given the screening (referred to above) the proposed hardstanding would not be inappropriate or out of character in this location. Exemption rights would not be removed and the proposed hard surfacing that forms part of this planning application is acceptable.

The boundary to the field is currently marked by a drainage ditch although these could be affected should storage spill over the boundary set out in this submission. It is considered reasonable and appropriate to require an appropriate boundary to be introduced delineating the approved use and to avoid encroachment of the storage use into the agricultural land beyond. There would be scope in this instance, to consider either soft landscaping such as a bank or hedge or a low agricultural style fence e.g. post and rail, whilst still retaining an access to the agricultural land beyond

although an element of soft landscaping would address the requirements of the Strategy for Nature SPG regarding the change of use of land. It is acknowledged however, that the area of land proposed is limited in size and that landscaping was introduced in connection with the previous permission for the change of use of the buildings themselves. On balance therefore, a proportionate level of enhancement has already been secured on the site.

The submission makes no reference to the external storage of machinery/equipment associated with the business operation however, some external storage of machinery/vehicles etc would not be out of place in this setting given the previous, unrestricted, agricultural use of the site. It is not considered reasonable to impose a condition preventing external storage of machinery/vehicles associated with the approved use.

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 development. Consistent with the original permission for this use to operate from the site it is also reasonable to apply conditions relating to the nature of use and removing exemption rights for changes between industrial/storage uses given that the application has been assessed on the specific basis of the external area of storage being utilised by tree surgery businesses and not for unrestricted storage and distribution purposes.

Recommendation:

Grant with Conditions



Date: 23/07/2024

