

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 agricultural building, erect replacement agricultural building/store to south boundary.

LOCATION: Land to east of, Le Gardinet, Ruelle Des Cherfs, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 15/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2407/03.01, 02, 03, 04, 05, 06 & 07.

Application Ref: FULL/2024/0983

Property Ref: D013150000

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.No development, including site works, shall begin on site until the pine tree to the north of the building and as identified on plan 2407/03.02 has been protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the area agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon.

Reason - To make sure that the tree is properly protected while building works take place on the site.

5.The building hereby approved shall be used only for agricultural purposes falling within Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2007, 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 15/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, no permission is sought nor conferred for the temporary stables or the retaining wall along the south boundary which are the subject of separate planning applications.

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/2024/0983
Property Ref: D013150000
Valid date: 17/06/2024
Location: Land to east of Le Gardinet Ruette Des Cherfs Castel Guernsey
Proposal: Demolish existing agricultural building, erect replacement agricultural building/store to south boundary.

Applicant: Mr & Mrs J Regnard

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. No development, including site works, shall begin on site until the pine tree to the north of the building and as identified on plan 2407/03.02 has been protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the area agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon.

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5. The building hereby approved shall be used only for agricultural purposes falling within Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2007, 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

For the avoidance of doubt, no permission is sought nor conferred for the temporary stables or the retaining wall along the south boundary which are the subject of separate planning applications.

OFFICER'S REPORT

Site Description:

The site consists of an area of agricultural land comprising of a series of agricultural fields with an agricultural building to the east of the site and an agricultural building along the south boundary. The site is situated within an Agriculture Priority Area and is Outside of the Centres.

Under the same ownership to the west is a traditional farmhouse and outbuildings of varying age including stable blocks. The farmhouse and an outbuilding is a protected building.

Relevant History:

FULL/2024/1740 – Application pending to install hardstanding to create agricultural tracks to south and east of site (retrospective).

FULL/2024/1732 – Application pending to erect retaining wall on agricultural land (retrospective).

FULL/2024/1045 – Application pending to erect temporary stables to south boundary (retrospective) (revised scheme).

28/08/2024 - FULL/2024/1047 - Application refused to erect gates to agricultural field to north (roadside) and internal field boundary to east and west of site (retrospective).

24/11/2023 – FULL/2023/1439 – Application refused to erect 2 stables to east of site for a temporary period.

D1277

27/06/2024 - FULL/2023/1434 – Permission granted to demolish stables and outbuildings and erect stables to east of existing stables (revised) (Protected Building).

24/11/2023 - FULL/2023/1442 – Application refused to extend existing sand school to east.

07/02/2023 – FULL/2022/1053 – Permission granted to extend and alter existing stables and erect wall and gate (Protected Building).

04/05/2021 - FULL/2020/0688 – Permission granted to install private sand school and erect fencing and gates (Retrospective).

05/06/2020 - FULL/2020/0252 – Permission granted to erect canopy on existing stable and outbuilding (retrospective) and erect 2 stable blocks.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to erect a replacement agricultural building/store to the south boundary. The proposed building would be finished with Kingspan QuadCore panels in pure grey.

The agent advises that the replacement tractor store would be used for agricultural purposes and for storing agricultural equipment such as a tractor, disc mower/conditioner, tedder, hay rake, baler, bale wrapper and telehandler. It is advised that the machinery and implements are necessary for the production of hay and haylage and to maintain the agricultural land which is approximately 10 acres in size.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

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

- Concerned about the amount of development being undertaken on agricultural land.
- Proposed tractor store is far greater than the existing building.
- The proposal will cut into the hillside and concerned about the loss of the woodlands to the rear of the site and the impact on wildlife.
- Raises concerns about the access to the site via Les Cherfs Lane and the size of vehicles accessing the site.
- No details are provided about water management, questions how the development will affect drainage and existing flooding problems in the area.
- Highlights works already undertaken including the removal of trees, extensive excavation and land re-profiling, the creation of new vehicle accesses and hard surfaced roadways.
- Statement in application that the store is not visible from a public place is incorrect, the store is visible to the north from Ruelle des Cherfs.
- The footprint of the replacement building is larger (almost 20%) and thereby encroaches on agricultural land.
- The size of the existing building was adequate for the previous owner to manage the same area of land.
- Recent removal of vegetation has resulted in the store becoming visible.
- Plans indicate the building to be occupied by diggers and excavators in addition to tractors and notes other vehicles parked in the vicinity including vans and horse boxes.
- Height of the proposed building increases by 47%.
- The proposed building is excessive in size and appearance, it lacks water disposal and will be an eyesore from public views.
- Without restrictions to its use, the building will become a warehouse on an agricultural field.

Consultations:

Agriculture, Countryside and Land Management Services, 12/07/2024

“Bounded by trees. Schemes suggests no trees will be felled, but may wish to ensure that the roots of adjacent trees will not be damaged during construction”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development
2. The design and impact on the landscape character and openness of the area

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) provides scope for development relating to an agricultural use where there are no other buildings or structures which could be used for the proposed purpose. The agent advises due to its dimensions and layout, the existing building to the east cannot accommodate the machinery and number of implements that are required to produce hay and haylage on the land. Details have been provided about the proposed agricultural use of the replacement building and the equipment to be stored within it. The proposed agricultural building would replace an existing agricultural store of a similar footprint and taking into account the area of associated agricultural land that the building would serve, the proposed agricultural building could accord with Policy OC5(A).

The replacement building would be of a mono-pitch design measuring 4.2m high, approximately 0.7m higher than the existing building. However, due to the roof of the proposed building sloping downwards from north to south (the opposite to the existing building), the north elevation will appear approximately 1.4m higher than the existing north elevation. Despite the increase in the scale and mass of the building, the building would only be visible at a distance exceeding 100m across the field from public view and it would be seen against a backdrop of trees which would reduce its visual impact. Although larger than the existing building, the replacement building is unlikely to have a significant adverse effect on the landscape character and openness of the area. The proposal accords with Policies GP1 and GP8.

With regards to the comments from Agriculture, Countryside and Land Management Services, the trees to the east of the building are situated on a bank above the building and are unlikely to be affected by the works. A pine tree is located in front

(north) of the building along the west boundary and it is recommended that measures are implemented to protect this tree during construction works, this can be dealt with by condition.

Due to the distance to neighbouring dwellings, the replacement agricultural building is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Due to the distance to the protected building to the west, the proposal would have no adverse effects on the setting of the protected building.

The proposed building is largely situated on the footprint of an existing building and is unlikely to have a significant adverse effect on drainage. In addition, it is noted that matters relating to drainage would be dealt with under the Building Regulations.

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 approved.

Date: 14/01/2025