

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: Variation of condition 8 of planning permission FULL/2021/1946 - to allow use of 12 motorhome pitches all year round and to allow an individual motorhome to be parked on site for a cumulative period no more than 90 days within a 12 month period.

LOCATION: Beaucette Marina, La Route de la Lande, Vale.

APPLICANT: Beaucette Marina Ltd

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: 04/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2144 03.04

Application Ref: FULL/2024/1167

Property Ref: C000010000

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 on or before 27/01/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 28/01/2022, issued under planning application reference FULL/2021/1946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5.No motorhome shall be parked on site for a cumulative period of longer than 90 days in any calendar year.

Reason - To make sure that the site is used for holiday purposes. Any other type of occupation would raise different planning considerations.

Expiry Date: This permission will cease to have effect on 04/10/2027 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/2024/1167
Property Ref: C000010000
Valid date: 01/07/2024
Location: Beaucette Marina La Route de la Lande Vale Guernsey GY3 5BQ
Proposal: Variation of condition 8 of planning permission
FULL/2021/1946 - to allow use of 12 motorhome pitches all year round and to allow an individual motorhome to be parked on site for a cumulative period no more than 90 days within a 12 month period.
Applicant: Beaucette Marina Ltd

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 on or before 27/01/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 28/01/2022, issued under planning application reference FULL/2021/1946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. No motorhome shall be parked on site for a cumulative period of longer than 90 days in any calendar year.

Reason - To make sure that the site is used for holiday purposes. Any other type of occupation would raise different planning considerations.

OFFICER'S REPORT

Site Description

The land to which this application relates is the field to the west of the main marina building. It is bounded to the south and east by the access road serving the site and to the west by a narrow lane which is one way to the north. There is a high, dense hedge alongside this lane and this extends along part of the northern boundary of the field.

Eight motorhome bays have been created by installing earthbanks between each pitch adjacent to the west site boundary. A refuse storage area and washing up shelter exist to the east of the field.

The field is slightly below the level of the site access.

The site is located Outside of the Centres and in an Archaeological Area as designated in the Island Development Plan.

Relevant History:

FULL/2015/3033 - Create camp site consisting of 8 plots for motor homes, install field gate, create new access track, alter ground levels, form earth banks and lay boulders – granted. Expired 31 January 2021

FULL/2021/1946 - Retention of 8 motorhome bays (retrospective), erect earthbank to create 4 additional motorhome bays (for use between 1st March - 31st October annually) and remove shipping container – granted

FULL/2021/1942 – Change of use of agricultural land (Use Class 28) to use as part of mixed use marina and boatyard complex, erect 6 safari tents, remove hedge and earthbank to relocate access road – granted (varied from safari tents to shepherd huts). Year round use permitted

Existing Use(s):

- 29 Sui generis – marina and boatyard
- 28 Agriculture

Brief Description of Development:

The application relates to the variation of the wording of condition 8 of permission FULL/2021/1946. The permission relates to the retention of 8 motorhome bays and the formation of a further 4 motorhome bays with associated works. The use of the site for motorhomes was limited to 1st March – 31st October each year.

Condition 8 states:

No motorhome shall be kept on site outside the period of 1 March until 31 October and no individual motorhome shall be parked on site for a cumulative period of longer than one month in any year.

Reason - To make sure that the site is used for holiday purposes. Any other type of occupation would raise different planning considerations.

The submission outlines how popular the site is, an asset to Guernsey and the site generally. Motorhome owners seek cost effective and accessible winter/Christmas breaks. It is proposed that the wording be varied to:

No motorhome shall form a self-contained or permanent residential use and no individual motorhome shall be parked on site for a cumulative period of no longer than 90 days within a 12 monthly period (starting from their first arrival into the Island of Guernsey).

The reason for the condition would remain unchanged, as proposed through the submission.

The extended timeframe for parking/use is suggested to align with the immigration and population laws.

The description of development was amended during the course of the assessment of the application for clarity. To be more concise and better reflect the wording of the existing condition/proposed period of use/occupancy.

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

Island Development Plan policies:

OC8(B): Visitor Accommodation Outside of the Centres – Campsites

GP1: Landscape Character and Open Land

GP8: Design

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted, in support of the application highlighting that ownership and use of motorhomes has increased since the pandemic and that they are built/insulated to be used all year round. It is noted that the site is well used by visitors and local motorhome owners during the summer and it is disappointing to see it sat empty over the winter when its use could benefit the visitor economy, hospitality economy and business generally. Local motorhome owners have to travel off-island or mothball vehicles over winter but year round use of the site would permit them to be used more regularly and could avoid some of the need for Sunday afternoon driving to charge/maintain battery levels because they could be charged on site.

Consultations:

Guernsey Farmers Association – commented on the previous application;

No objections to the application for the retention of the 8 motorhome bays and the creation of a further 4 with an earthbank surround on agricultural land providing that if the area is no longer required for the approved purposes it is returned to agricultural use thereafter. GFA reaffirms the response given by Commerce & Employment at the initial application and welcomes the applicant's use of native planting within the landscaping of the site. The benefit to the wider community of allowing this application is considered an offset to the loss of this land for agricultural use at the present time.

Committee for Economic Development – Having consulted with Marketing & Tourism on this application, the Committee for Economic Development would support the application in full for the following reasons:

- Increasing the maximum cumulative period from 1 month to 90 days aligns with the maximum period that visitors are permitted to be on island without a permit or certificate.
- Permitting the pitches to be used year-round supports the TMB Tourism framework by extending the season and opening new market opportunities.

The Committee wish to express their concern that the site should not, however, be permitted to be used for 'residential' purposes.

Traffic and Highway Services (THS) – no comments received at point of determination.

Summary of Issues:

Whether the variation of this condition, applied to the site, would alter the acceptability of the proposal against the relevant Plan policies and material considerations, namely whether the extended use of the whole camp site for motorhomes all year round with longer occupation periods would have any increased impact on:

- landscape character and open land;
- the reasonable enjoyment of neighbouring properties;
- traffic and parking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

A camp site by its nature generally requires a rural location and, taking into account Policies GP1, OC8(B) c. and GP8, it is considered that the proposal would not have a significant adverse effect on the visual quality or landscape character of the area.

The expectation of Policy OC8(B) and supported by comments from the GFA is that all structures are removed from the site upon the cessation of use/no longer required. This has been addressed through condition 9 of the 2021 permission. This condition would remain in place and the current application would not alter these requirements.

Policy OC8(B) also requires all other relevant policies in the IDP to be satisfied. In this case, Policies GP1 (Landscape Character and Open Land), GP8 (Design), GP9 (Sustainable Development) and IP9 (Highway Safety, Accessibility and Capacity) would be particularly relevant. Policies GP1 and GP8 have been addressed above and given the location and positioning of the site to nearby neighbours, it is not considered that the extended use site, throughout the year, would represent an unacceptable increase in the potential for noise and nuisance. The scheme therefore meets the aims of Policies GP8 and GP9 of the Island Development Plan in this respect.

As identified in 2015, there were no traffic management concerns in relation to the proposed use and given the proposed development will not significantly alter this situation, the extended use of the site would remain in accordance with Policy IP9 of the Plan.

The Population Management (Guernsey) Law, 2016 came into effect on 03 April 2017 and in Part 5 this Law outlines:

- Anyone is able to be in Guernsey for up to 90 days within a 12 month period (starting from their first arrival into the island of Guernsey) without needing to hold a Permit or Certificate.
- This allows a person to stay in tourist registered accommodation or stay as a guest in someone's house where they are living.
- This period does not allow anyone to undertake employment, even if this is remotely for a non-Guernsey based employer.

The previous applications fell to be considered primarily under Policy OC8(B) (Visitor Accommodation Outside of the Centres – Campsites), and the amendments now proposed must remain in accordance with that policy. Criterion a) of Policy OC8(B) is not relevant as the site is not situated within the Agriculture Priority Area.

The prefacing text to this policy expands upon this criterion as follows, “Proposals for more permanent forms of development associated with campsites, such as toilet and shower blocks, will be supported, subject to the scale of development being proportionate to the scale of the camping operation”. A motorhome is not regarded as part of the permanent development of a campsite for the purposes criterion b, however, a refuse storage area and washing up shelter to the east of the field, along with the previously approved earthbanks are considered permanent development associated with the campsite use. These, represent proportionate and ancillary uses to the scale of the camping operation concerned in accordance with criterion c. and d. of Policy OC8(B).

The submission sets out that the 90 day occupation would align with the immigration and population laws, referred to above.

The preceding text to Policy OC8(B) sets out in paragraph 17.7.5. that *“campsites will be provided to support the visitor economy and not to provide long-term residential accommodation and, as such, the length of residency will generally be controlled through planning conditions.”* This requirement was thus reflected in the reason for imposing condition 8 originally. There are concerns (see consultation responses above) about the use of a campsite for residential purposes as opposed for visitor accommodation if the maximum length of stay for any or all motorhome pitches were to be generally relaxed. To provide long-term residential in this Outside of Centres location accommodation would run contrary to the aims of the IDP.

Notwithstanding this concern however, the change would bring the use of the site in line with the Population Management Law which is very clear in setting out the

parameters for visitor use and with their own mechanism in place to enforce against breaches of occupation/live/work arrangements. In view of this current legislation that allows visitors to the Island for an extended period to allow the motorhome pitches to be used in line with this Law would be consistent and the combination of planning enforcement, border enforcement and the existing planning condition (condition 7) attached to the original permission for the motorhomes relating to the logbook record that can be requested for review by the Authority is sufficient to ensure that the site remains in visitor accommodation use and not as a means of providing more permanent residential accommodation.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 03/10/2024

