

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 outbuildings, erect single storey outbuilding, relocate air source heat pump and oil tank to north-east (rear) of property. Change of use of agricultural to domestic land (50sqm), erect tractor store/summer house with decking area to north-west of property, alter field boundary to create vehicle access (site of protected building).

LOCATION: Les Profonds Camps, Rue Du Profonds Camps, St. Martin.

APPLICANT: Mr & Mrs Sinclair

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: 09/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DPR Architecture - 3304-DR-001A, 003G, 004E, 006D, 010A & 011B.

Application Ref: FULL/2024/1646

Property Ref: J011660000+J011670000

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.Prior to construction of the new earthbank between the tractor store/summerhouse hereby approved and the adjacent field to the west, details of the construction of that earthbank shall be submitted to and approved in writing by the Authority. The earthbank shall thereafter be constructed in accordance with the approved details and prior to the tractor store/summerhouse being brought into use.

Reason - To make sure that appropriate definition is maintained to the agricultural land.

5.Prior to undertaking of the hedge planting shown on the approved plans, full details of that hedge planting, to include planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and approved in writing by the Authority. The planting shall be completed in accordance with the approved details in the first planting season following the first use of any part of the tractor store/summerhouse or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that appropriate definition is maintained to the agricultural land.

6.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 08/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the domestic curtilage of the dwelling presently known as Les Profonds Camps is as shown on Drawing No 3304-DR-003 Rev G, and not as might be shown on any other plan.

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/2024/1646
Property Ref: J011660000+J011670000
Valid date: 22/11/2024
Location: Les Profonds Camps Rue Du Profonds Camps St. Martin
Guernsey GY4 6EZ
Proposal: Demolish outbuildings, erect single storey outbuilding,
relocate air source heat pump and oil tank to north-east (rear)
of property. Change of use of agricultural to domestic land
(50sqm), erect tractor store/summer house with decking area
to north-west of property, alter field boundary to create
vehicle access (site of protected building).

Applicant: Mr & Mrs Sinclair

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.

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Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

For the avoidance of doubt, the domestic curtilage of the dwelling presently known as Les Profonds Camps is as shown on Drawing No 3304-DR-003 Rev G, and not as might be shown on any other plan.

OFFICER'S REPORT

Site Description:

The application site is located to the north of Rue du Profonds Camps. The site, as shown on the submitted plans, includes a field and dwellinghouse (Les Profonds Camps) situated along the roadside, with a further dwellinghouse (La Cachette) located to the north of the roadside dwellinghouse. The site is bounded by residential properties to the east, north-east and west and agricultural/horticultural land to the north-west and across the road to the south.

The application site is located Outside of the Centres in the Island Development Plan. The whole of the dwellinghouse known as Les Profonds Camps, together with the roadside wall, is protected and that dwellinghouse and its associated curtilage are located within a Conservation Area.

Relevant History:

28/12/1984 Permission for the erection of 3x3.6m stables in north-east corner of field.

11/06/1992 Permission to extend dwelling and erect additional 4x3.2m stable in north-east corner of field.

15/09/1995 Permission to lay hardcore and gravel driveway with hardsurface at entrance – Accompanying report notes the following:

- The history of this driveway is long and contentious.
- The previous owner of the property was alleged to have carried out various works without IDC consent, including a change of use of the agricultural land to form a domestic driveway and the laying of hardcore / widening of the drive.
- The matter was tested in court on 7th July, 1993 at which time the case for change of use of the land was dismissed, while the owner was fined for the widening of the drive and underlaying with hardcore.
- In light of the court decision, the Committee could not pursue the matter and had no option but to recognise the existence of the drive and to determine this application on its merits.

18/06/1997 Letter confirming driveway formally recognised by Committee.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission is sought for the following:

- To demolish existing outbuildings, erect a replacement single storey outbuilding, and to relocate the air source heat pump and oil tank within the domestic curtilage to the north-east (rear) of Les Profonds Camps. Following deferral, details of the air source heat pump have been provided.
- To erect a tractor store/summer house with decking area to the north-east of the field/at the turning head of the driveway and to alter the east boundary of the field to replace the pedestrian and vehicle access.

As initially proposed, there were concerns regarding the location of the tractor store/summerhouse relative to the domestic curtilage of the property and the absence of any demarcation between proposed domestic uses and the adjacent agricultural land. Following deferral, the application has been amended, extending the domestic curtilage to the north boundary, repositioning the proposed structures within the extended curtilage, and erecting an earthbank along the boundary with the adjacent field. The existing field gate would be repositioned to the south.

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

GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
GP15 Creation and Extension of Curtilage
OC5(B) Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation commented on the application as initially submitted as follows:

I have reviewed the proposed plans for Les Profonds Camps which were received by email on 25th November 2024 and there are a number of issues of concern that I must raise. At present I believe there is insufficient information to be able to comment on this application. I would appreciate it if the ASHP manufacturers specification could be furnished detailing the sound power and sound pressure levels of the ASHP. I also note that the proposed drawings (3304-DR-003 and 3304-DR-011)

detail slightly different locations of the ASHP, as such please can the exact position be confirmed. I understand that this is a reinstatement of the current ASHP, however distance of source of noise to receptor is critical, and given the close proximity of neighbouring properties this could be considerably different from its current location.

That Service provided the following additional comments in respect of the additional information:

I have reviewed the proposed plans for Les Profonds Camps which were received by post on 13th March 2025 and there are a number of issues of concern that I must raise. Noise calculations have been made for the proposed ASHP Master Inverter L. It is believed the closest receptor could be subject noise levels of 33.04 dB. As such, I believe the follow noise condition should be applied to the application by the Planning Authority.

Control of noise level of plant/machinery

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Summary of Issues:

Impacts on agricultural land;
Impact on openness and landscape character;
Impact on the character of the Conservation Area;
Impact on neighbour amenity.

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).**

Outbuilding and plant within the curtilage to the rear of Les Profonds Camps

The works proposed within the domestic curtilage to the rear of Les Profonds Camps would be subservient and ancillary to that dwelling and would be largely screened

from outside of the site. The proposed works would not have any adverse impact on the setting of the protected building or the character of the wider Conservation Area.

The proposal includes the re-positioning of the heat pump to the rear of the existing outbuilding. There is no evidence that permission has been granted for that pump, nor would it fall within the allowances of the Exemptions Ordinance. The pump would however be located c19m from the north boundary and c21m from the east boundary with the adjacent residential properties in each direction and the Office for Environmental Health are satisfied that any noise arising could be managed by planning condition.

Tractor store/summerhouse

The driveway and turning head providing access to both residential properties has previously been accepted as domestic land. The amended proposal put forward under this application includes an extension of the domestic land from the turning head to the north boundary, including all of the proposed structures. This would encompass a limited land area, divorced from the main agricultural field, and would have no adverse impacts on the use of the remainder of the field, openness, landscape character or boundary treatments. Given the limited extent of the change of use in this case, and the nature of that land (largely under the footprint of an existing building to be removed), it is not considered necessary to require additional landscaping.

The proposal would retain access to the agricultural land, both through the proposed tractor store and independently to the south of the new buildings, and appropriate definition would be retained between the domestic use and the agricultural land. Details and implementation of the boundary earthbank and planting can be managed by condition.

The proposed buildings would be discretely located, set back from public views and well screened by existing boundary vegetation. There would be no adverse impacts on the character of the area.

Conclusion

The revised scheme accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to the conditions outlined above.

Date: 04/04/2025

