

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: Create new agricultural gated vehicle access to south boundary, erect fence to east of property (Protected Building) (Revised Scheme).

LOCATION: Solidor, La Folie Lane, Vale.

APPLICANT: Mr C Foss

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: 22/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Annotated drawing Nos. 6, 7, 8, 9,
A4 Block Plans (date stamped 17.12.24 and 23.10.24 &
Construction & Height of Fence date stamped 17.12.24

Application Ref: FULL/2024/1778

Property Ref: C012140000

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 2 months of the vehicular access being created along the south boundary of the agricultural land, the roadside wall shall be made good to match as closely as possible to the existing boundary treatment, in accordance with the approved details.

Reason - to ensure that the making good of the existing boundary wall is carried out in a timely manner in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 22/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, should the use of the agricultural land materially change, then a separate grant of permission will be needed.

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/2024/1778
Property Ref: C012140000
Valid date: 25/11/2024
Location: Solidor La Folie Lane Vale Guernsey GY3 5SE
Proposal: Create new agricultural gated vehicle access to south boundary, erect fence to east of property (Protected Building) (Revised Scheme).

Applicant: Mr C Foss

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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INFORMATIVES

For the avoidance of doubt, should the use of the agricultural land materially change, then a separate grant of permission will be needed.

OFFICER'S REPORT

Site Description:

The property consists of a traditional detached dwelling known as 'Solidor'. The property is a protected building, and is served by a garden and access point to the front (south) of the dwelling, and rear garden to the north.

The property adjoins an open area of agricultural land to the east of the recognised domestic curtilage, and there is no obvious boundary treatment, e.g. a hedge or earthbank, that exists between the domestic curtilage associated with the house, and the agricultural land to the east. The demarcation between the two land uses appears to comprise of a mix of scrub vegetation and a very low drystone wall. The agricultural land is currently accessed from the rear of Solidor. The main dwelling and agricultural land is under the same ownership.

A large proportion of the agricultural land houses redundant glasshouses which are primarily located towards the east and south of the field.

The agricultural land is bounded by a low granite wall to the front (south) of the site.

Relevant History:

PREA/2024/1681	Create new agricultural gated vehicle access and hardstanding to south boundary (Protected Building).	Pre-application enquiry
FULL/2023/2489	Create new agricultural gated vehicle access and hardstanding to south boundary (Protected Building).	Refused
PREA/2023/2366	Demolish existing workshop/shed and modify existing pigsty to create new workshop/studio. (Protected Building).	Pre-application enquiry
FULL/2023/1559	Create new agricultural vehicle access and hardstanding to south boundary (Protected Building).	Pre-application enquiry
PREA/2023/1278	Demolish greenhouse and create new vehicle access	Pre-application enquiry
PREA/2016/1154	Erection of new glasshouse, erect two wind turbines, construct water features/reservoirs and widen access	Pre-application enquiry

Existing Use(s):

Field - Agriculture.

Dwelling-house - residential.

Brief Description of Development:

Planning permission was refused in 2024 to create a new agricultural gated vehicle access and hardstanding area to south of the agricultural field (FULL/2023/2489).

The application was refused on the following points:

1. The proposed removal of a large section of the roadside wall would have a detrimental effect on the landscape character and appearance of the area, contrary to Policy GP1 (Landscape Character and Open Land) of the adopted Island Development Plan.

2. The parking area created is not justified for the level of use of the site and represents the unnecessary loss of open and undeveloped land (Policy GP1) and does not achieve a 'good' standard of design (Policy GP8, Design).

Planning permission is now sought to revise that scheme (FULL/2023/2489) in attempt to overcome the reasons for refusal. As set out in the applicant's letter of 15th October 2024, the application includes:

- Reduction in the width of the proposed vehicular access to 5.15m.
- Omitted the bell mouth design.
- The land will remain as an agricultural field.
- Inclusion of a post and wire fence between the domestic curtilage and agricultural land.
- Locate the vehicular access towards the south-east corner of the agricultural land.

The proposal also includes

- Omission of the hard surfaced area on agricultural land.
- A Bornement from the Vale Douzaine.

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

OC5(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas.

GP1 Landscape Character and Open Land.

GP5 Protected Buildings.

GP8 Design.

GP13 Householder Development.

IP9 Highway Safety, Accessibility and Capacity.

Representations:

The Authority has received two representations from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Matters concerning the display of the Site Notice.
- Unnecessary to create an additional vehicular access, width of access, and impact on local built environment.
- Impact on neighbour amenity.
- Inaccuracies with the information submitted– width of adjacent vehicular accesses, drainage, land levels from previous works, ambiguous drawings.

Consultations:

None.

Summary of Issues:

- Whether the design of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- Whether the proposed vehicle access point is acceptable and would not negatively impact on highway safety.
- The effect on the setting of the protected building.

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).**

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 considered in the assessment of this application.

Policy context:

The application includes the demolition of redundant glasshouses which itself does not require planning permission, although it is expected under Planning Law that once the horticultural use of the site has ceased, the glasshouses are cleared from the site, and that the land be returned to agricultural use. This expectation is set out in paragraph 17.5.1. of Policy OC7. Despite the site consisting of a Redundant Glasshouse Site, the application does not seek to develop the land i.e. a change of use, or result in operational development which could include erecting buildings/structures on the land, which could engage Policy OC7. In this instance, Policy OC7 is not engaged.

Design and impact on the character and appearance of the area:

The revised application has reduced the width of the vehicular access to 5.15m.

It is considered that widening the existing vehicular access would have a less impactful effect on the character and appearance of the area. However, given the proposed width and design of the access point, together with the size of the agricultural field and existing access arrangements (over the domestic curtilage of the property), it is not considered unreasonable or unacceptable to allow the creation of a new access to directly serve, and improve accessibility of the agricultural land. The resultant effect would be similar to other fields in the wider area which have a similar setup i.e. direct access onto agricultural land. Overall, the proposed vehicular access point would have a limited negative effect on the character and appearance of the surrounding which would not be sufficient to justify refusal under Policy. Although, should the existing glass be removed, the removal of

the glass would negate the harm caused to the landscape character as a result of the improvement made by the clearance of the redundant glasshouse.

It is reasonable to attach a condition to the decision to ensure the works to the wall are carried out in a timely manner.

The application states that the existing glasshouses will be removed as part of this application. Whilst encouraged it is not considered reasonable nor necessary (in Planning legal terms) to attach a condition to the decision to remove the glass given that planning permission is not required to remove the glass, and there is no Policy mechanism under OC5(B) to require such action.

The position and design of the proposed post and wire fence is acceptable which will provide sufficient demarcation between the two land uses in a sensitive manner.

Neighbour amenity:

The creation of a new access point is not considered to adversely affect the amenities of neighbouring residents by virtue of the type of development proposed.

Highway safety and traffic management:

The creation of the new access point is not considered to adversely affect highway safety or raise traffic management concerns given the relatively low traffic speeds and volumes on this neighbourhood road and the agricultural use of the site.

Protected building:

Given the type and nature of development, the proposal will not adversely affect the setting of the protected building (Policy GP5).

Other matters:

In light of the representations received, the applicant has made a declaration that the application has been displayed in accordance with the General Provisions Ordinance (2007). In light of the comments made in respect of the topography of the existing land, given the type of development proposed, the potential drainage effect is not a material planning matter. Where appropriate, the matters raised in the representations have been set out above.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 22/01/25

