

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 shed and erect agricultural shed, polytunnel, planters and install hardstanding.

LOCATION: Land at La Folie Lane, Vale.

APPLICANT: Mr & Mrs Lovering

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: 28/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, photo of shed and applicant email dated 07/03/2025.

Application Ref: FULL/2025/0231

Property Ref: C012170000

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 hardstanding shall be laid until such time as precise details of the location and extent of the hardstanding has been submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed hardstanding. This condition is imposed to make sure that the location and extent of the hardstanding does not have any adverse impact on the character of the area.

5.The shed and polytunnel 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.

6.Within six months of the date when the approved shed, planters, rockery and polytunnel are no longer required in association with the use of the site for hobby farming, or the use of the site for hobby farming ceases, whichever is sooner, the structures hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the structures has been granted only on the basis that they are required in association with the proposed use of the land for hobby farming. There is no justification to retain the structures if there is no longer any agricultural/horticultural use of the land.

Expiry Date: This permission will cease to have effect on 27/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, no permission is sought nor conferred for a change of use of the land. The entire site remains in agricultural use and shall only be used for agricultural purposes falling within Agricultural Use Class 28.

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/2025/0231
Property Ref: C012170000
Valid date: 10/03/2025
Location: Land at La Folie Lane Vale Guernsey
Proposal: Demolish shed and erect agricultural shed, polytunnel, planters and install hardstanding.

Applicant: Mr & Mrs Lovering

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 hardstanding shall be laid until such time as precise details of the location and extent of the hardstanding has been submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed hardstanding. This condition is imposed to make sure that the location and extent of the hardstanding does not have any adverse impact on the character of the area.

5. The shed and polytunnel 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.

6. Within six months of the date when the approved shed, planters, rockery and polytunnel are no longer required in association with the use of the site for hobby farming, or the use of the site for hobby farming ceases, whichever is sooner, the structures hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the structures has been granted only on the basis that they are required in association with the proposed use of the land for hobby farming. There is no justification to retain the structures if there is no longer any agricultural/horticultural use of the land.

INFORMATIVES

For the avoidance of doubt, no permission is sought nor conferred for a change of use of the land. The entire site remains in agricultural use and shall only be used for agricultural purposes falling within Agricultural Use Class 28.

OFFICER'S REPORT

Site Description:

The site consists of a former horticultural site which has been cleared of the above ground superstructures. During a site visit as part of this application the site was in the process of being cleared of materials, debris and structures associated with the

former horticultural use of the site together with other rubbish that had been discarded on the land.

The site is situated to the north of La Folie Lane and is bounded to the east, north and south by neighbouring residential properties and to the west by a derelict glasshouse site. The site is located Outside of the Centres.

Relevant History:

09/09/2024 – FULL/2024/0284 – Application refused for the change of use of agricultural land to north of site to campsite including installation of 4 glamping pitches/tents with associated landscaping, hardstanding and parking. Erect single storey workshop/store/facilities agricultural building and erect polytunnel to south of site.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to demolish a shed and erect a timber agricultural shed measuring 6m by 4.2m by 2.5m (high), a polytunnel measuring 3m by 10m by 2m (high), 6 timber raised planters measuring approximately 1.2m by 7m by 0.45m (high) and install hardstanding to create a parking area. The parking area is to be created with a grid force inlay covered with soil and grass seed.

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

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

Policy OC9: Leisure and Recreation Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation, main points as follows:

- Size of shed and polytunnel will be intrusive in the otherwise open site.
- Creation of car parking would amount to major works. Second car parking space referred to is not indicated on the plans.
- The ambitious nature of the planned cultivation is at odds with the stated aim to create a 'quiet, natural growing site'.

- The large timber shed, polytunnel, overly ambitious planting scheme and car parking represent an overdevelopment of an agricultural field.
- The use of the field as agricultural land is commended but the need for any large structures and more than one parking space is disputed.

Consultations:

None

Summary of Issues:

- The principle of the development
- Scale, 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 sets out that agricultural practices includes outdoor vegetable growing and a range of hobby farming and small holdings. The proposed use of the land includes elements akin to hobby farming and an allotment and consequently the proposal falls to be considered under Policies OC5(B) and OC9.

Information has been submitted setting out that the existing shed is in a state of disrepair and is not suitable for the intended purpose, and details have been provided about the purpose of the shed for the storage of tools and equipment associated with the cultivation of plants and the maintenance of the land and as a dedicated drying area for harvested produce. It is accepted that a small scale building could be essential to serve the proposed hobby farming use. The information submitted is sufficient to demonstrate that the scale of the proposed building is proportionate to the hobby farming use, in accordance with Policies OC5(B) and OC9. There are no objections to the installation of the planters and polytunnel for growing in association with the proposed hobby farming use.

The site forms part of a modest area of open and undeveloped land which provides a useful break between the surrounding built development and contributes positively towards the semi-rural character of La Folie Lane. The scale and siting of the proposed shed is similar to the existing shed that it would replace. The shed would be visible from the highway, however, its relatively modest scale and its proximity to and relationship with the neighbouring dwelling to the east would limit the impact of the development on the openness and landscape character of area.

The planters, rockery and polytunnel are all easily reversible and would have no permanent loss of or impact on the potential use of the land for agricultural purposes. The planters, rockery and polytunnel would give the site an appearance more akin to an allotment which would have a limited impact on the openness of the site. Provided that these features are removed once the hobby farming use ceases, the proposal would have no significant adverse effects on the openness and landscape character of area.

The hardsurfacing of the entrance area using a grid force inlay filled with soil and grass seed would be visually sympathetic to the agricultural use of the land and would have no significant adverse effects on the landscape character of area. It is understood that the hardstanding would be limited to the entrance area to the south of the existing gate, confirmation of this can be dealt with by condition.

The use of the land for hobby farming is unlikely to have any significant adverse effects on the amenities of neighbouring residents and is unlikely to result in any significant increase in vehicle movements to and from the site.

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: 24/04/2025