

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: Erect replacement agricultural shed to north-west of dwelling.

LOCATION: Land at Le Feugre, Route de Jerbourg, St. Martins.

APPLICANT: Mr P Nicholson & Mrs Nicholson

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: 23/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G.E Le Friec - 2023/P.S

Application Ref: FULL/2025/0281

Property Ref: J01634B000

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.The agricultural shed hereby approved shall be placed or erected on a non-permanent base.

Reason - To ensure that the development does not result in permanent development on agricultural land which could restrict the use of the land for agricultural/horticultural purposes.

5.The agricultural shed hereby approved shall only be used for agricultural/horticultural purposes only.

Reason - to ensure the shed is used for agricultural purposes only and not in association with the dwelling-house (Le Feugre).

Expiry Date: This permission will cease to have effect on 22/04/2028 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/2025/0281
Property Ref: J01634B000
Valid date: 19/02/2025
Location: Land at Le Feugre Route de Jerbourg St. Martins Guernsey
GY4 6BH
Proposal: Erect replacement agricultural shed to north-west of dwelling.

Applicant: Mr P Nicholson & Mrs Nicholson

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.

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Reason - To ensure that the development does not result in permanent development on agricultural land which could restrict the use of the land for agricultural/horticultural purposes.

5. The agricultural shed hereby approved shall only be used for agricultural/horticultural purposes only.

Reason - to ensure the shed is used for agricultural purposes only and not in association with the dwelling-house (Le Feugre).

OFFICER'S REPORT

Site Description:

Le Feugre consists of a large dwelling-house which was recently replaced on a one-for-one basis and is still under construction. The dwelling is served by a large garage to the west of the site.

The property is set back from the road on the north side of Route du Jerbourg. The land falls away from the road towards a cliff path, accessible to the public, located to the north of the site.

The property is bounded by residential properties to the east and west.

The application site focuses on a rectangular shaped area of agricultural land located to the west of the dwelling, which extends up to the cliff path to the north of the site. The agricultural land adjoins neighbouring land to the west, which is all recognised as falling under the domestic curtilage associated with La Bouvee.

The site is located Outside of the Centres under the Island Development Plan.

Planning permission was granted in 2024 to change the use of agricultural land to domestic garden. Despite permission being granted, the applicant provided written confirmation that the permission (FULL/2023/2427) would not be implemented.

Relevant History:

FULL/2023/2427	Change of use of agricultural land to domestic garden (946sqm).	Granted
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Existing Use(s):

Residential – dwelling-house.

Agricultural land – field to the rear (west) of the dwelling-house.

Brief Description of Development:

Planning permission is sought to erect a replacement agricultural shed to the north-west of the dwelling, sited on agricultural land.

The replacement agricultural shed will be 4.270m x 2.440m x 2.260m high.

Since permission was granted, the agricultural shed has been removed from site, and new fruit trees have been planted to the north-east of the site. It would also appear that the soil has been marked out in a manner for potentially vegetable beds.

The agent has confirmed that the applicants are seeking to use the shed for the storage of equipment to be used for the land management of the agricultural area, and general gardening activity, presumably for personal horticultural purposes i.e. orchard and vegetable beds as observed on site. *The shed would also be utilised as storage for any other associated products or fertilisers needed for the upkeep of the existing planting within the area.*

Despite the assurances provided from the agent, further clarification was sought over the exact use of the shed and the agricultural land. In response, the applicant has provided a letter received on 16th April stating that:

- *The application does not propose a change of the use of the agricultural land and the intention is that the land will continue to be used for horticulture/agriculture, namely, to grow plants for food (including the fruit trees that are already on the land).*
- *The proposed shed would be used to store tools and machinery that would be required to cultivate and maintain the land/plants. The list of tools includes, but is not limited to, the following: -*
 - *Spade*
 - *Pitchfork*
 - *Hoe*
 - *Rake*
 - *Fork*
 - *Wheelbarrow*
 - *Flail Mower*
 - *Rotary Tiller*
 - *Strimmer*
 - *Gloves*
 - *Pruning Shears*

- *Pruning Saw*
 - *Loppers*
 - *Hand Trowel*
 - *Hand Fork*
 - *Hose*
 - *Watering Can*
 - *Fertiliser*
 - *Edging Knife*
 - *Fruit Pickers*
- *The shed would also be used for growing seedlings before transplanting them to the vegetable beds, hence the term potting shed.*
 - *The description of the use of the shed for "land management tools and general gardening activity" was used in relation to growing trees and vegetables in accordance with the horticultural/agricultural use described above.*
 - *The location of the vegetable beds (now not raised as we have retained it as agricultural land) and the fruit trees are as per the drawing referred to in the Notification of Grant of Planning Permission for FULL/2023/2427 (relating to the previous planning application for the change of use).*
 - *The primary purpose of the previous planning application to change the permitted use to domestic curtilage was so we could install raised vegetable beds and replace the hedge that had previously been removed by the neighbouring property.*

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

GP1	Landscape character and open land
GP8	Design
OC5(B)	Agriculture Outside of the Centres – Outside the Agriculture Priority Areas
OC9	Leisure and Recreation Outside of the Centres

Representations:

None.

Consultations:

None.

Summary of Issues:

Whether the proposed agricultural shed complies with Policy.

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 and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Policy OC5(B) provides support for development which is related to the agricultural use of an existing farmstead or existing agricultural holding, or where development is proposed which would be ancillary or ordinarily incidental to the principal agricultural use.

Moreover, Paragraph 17.3.2 of Policy OC5 considers that current agricultural practise in Guernsey centres on the dairy industry but also includes outdoor vegetable growing and a range of hobby farming and small holdings.

The application would comprise the erection of a new shed Outside of the Centres, on agricultural land Outside of an Agriculture Priority Area, and the principle of the development would fall to be considered under Policy OC5(B) (Agriculture Outside of the Centres – Outside the Agriculture Priority Areas). The land which forms the subject of this application is not in active agricultural use and is not associated with a farmstead or wider agricultural holding, as defined within the Plan.

In addition, Policy OC9 allows development to provide new facilities for outdoor formal recreation or informal leisure and recreation, in this case hobby farming, provided that any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and, the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and, the site does not fall within an Agriculture Priority Area.

The application proposes the erection of an agricultural potting shed to the west of the dwelling, located on agricultural land.

The shed will be used for the storage of tools and machinery to be used for the growing of plants and to cultivate and maintain the land. A detailed list of tools has been outlined in the applicant's letter.

The design of the agricultural shed has been carefully selected to allow for seedlings to grow within the potting shed (given its glazed sides), before transplanting them to the vegetable beds.

The application provides a detailed description of horticultural/agricultural activities together with a list of tools needed to be stored within the potting shed. The shed comprises a modest size structure, is lightweight and is removable. The structure would be located away from the public highway to the north- east of the site, would be likely to have very limited impact on the wider landscape character and appearance of the area when viewed in context with the former structure.

When taking into account; the limited size of the potting shed, its limited visual impact, and the intended agricultural/horticultural use of the site, the proposal would be justified in this particular circumstance. Moreover, a larger agricultural structure was recently located in the same position, and the Exemptions Ordinance (2023) allows the erection of a small shed on agricultural land to be used for horticultural purposes (subject to complying with a number of criteria).

Overall, the use of the land in an informal hobby farming manner is considered to be incidental to an existing agricultural use of the land and is considered to be acceptable for the purposes of Policy OC5(B) and OC9.

It is considered reasonable and necessary to attach appropriate conditions to ensure that the shed is erected or placed on a non-permeant base and is used for agricultural/horticultural purposes only.

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: 22/04/25

