

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: Change of use of attached vinehouse to home based business (farm shop) and erection of fencing and gates to front (south) of dwelling. Erect 2 buildings on agricultural land (east of dwelling), erect polytunnel (on agricultural land north of dwelling) and associated earthbanks, fencing and gates. Widen agricultural vehicle access with associated relocation of telegraph pole and erect double sided sign (south boundary) with associated works.

LOCATION: Rowan Tree Farm (formerly La Hauteur), Route De Pleinmont, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Etheridge

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: 13/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chescoe Chartered Surveyors & Architects: 3697-00 Rev B, -01 Rev B, -02 Rev B, -04 Rev B, -05 Rev B, -06 Rev B.
npStructures: P1093-001-PD Rev B
Fencing details (Planning Detail - 10/03/2025)

Application Ref: FULL/2025/0355

Property Ref: F010020000+F01002A000

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. Given the partially retrospective nature of works to widen the vehicular access, within two months of the date of this permission works to complete the widening of the access shall be undertaken and the end of the widened access shall be finished off using materials and a method of construction which match the remainder of the roadside boundary.

Reason - To ensure the access is fully completed in accordance with the approved plans and in the interests of visual amenity.

5. a) Given the partially retrospective nature of the scheme, within one month of the date of this permission planting on top of the earthbanks erected around the parking area shall be submitted to and agreed in writing by the Authority and the agreed planting shall be carried out in the first planting season following the grant of this permission, by 31st March 2026, unless otherwise agreed in writing by the Authority.

b) Prior to the removal of the roadside hedge a landscaping scheme for the roadside boundary shall be submitted to and agreed in writing by the Authority. This roadside landscaping scheme shall be fully completed, in accordance details agreed in the first planting season following the removal of the roadside hedge, or in accordance with a programme previously agreed in writing by the Authority.

In relation to both a) and b), 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 - Given the partially retrospective nature of the scheme a timeframe for details to be provided and implemented is reasonable. In all aspects, the condition is required to help assimilate the development into its surroundings.

6. a) For the avoidance of doubt, the buildings hereby approved shall be used only for uses connected with the agricultural/horticultural use of the land.

b) Within six months of the date when use of the site for agricultural or horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the workshop, wash station and barn along with the poly tunnel and fencing hereby permitted shall be removed from the site.

c) 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 these buildings/structures have been granted only on the basis that they are required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

7. a) This permission relates to the use of part of the dwelling currently known as Rowan Tree Farm for the home based business specified in the application, in accordance with the provisions of Residential Use Class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. On the cessation of the farm shop home based business hereby approved the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

b) The fence hereby approved to separate the farmshop from Rowan Tree Farm shall be removed within six weeks of the farmshop use having ceased.

Reason - For the avoidance of doubt, in line with current exemptions, (Class 3) of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) planning permission is not required for the home based business to revert to part of main dwelling, currently Rowan Tree Farm and to ensure that the fence is removed when no longer required in connection with that use in the interests of visual amenity.

8. Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - In the interests of public health and safety.

9. The exterior of the workshop, barn and wash/pack buildings shall be finished with a dark brown stain/paint within 28 days of their construction.

Reason - To reduce the impact of the buildings on the character and appearance of the open landscape concerned.

10. Prior to any pigs being brought to the site details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency)

along with the details of fly traps and their proposed location on site shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed manure storage/disposal. This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding occupiers.

11. This permission does not infer any permission/approval for the erection of the totem sign shown on any of the application drawings.

Reason - For the avoidance of doubt.

Expiry Date: This permission will cease to have effect on 12/10/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that not all species of Salix Willow and Hazel are native to Guernsey. For example, *Corylus avellana* is a native species of Hazel. The applicant is encouraged to use native planting in connection with landscaping on the site.

It is recommended the applicant contacts the Office of Environmental Health and Pollution Regulation as:

- a) a Waste Management Exemption for the storage of manure may be required in this case
- b) to discuss the number of poultry and livestock to be kept
- c) the matter of greywater and what the greywater will consist of. Under the Environmental Pollution (Water Pollution) Ordinance 2022, to prevention pollution incidents grey water should be is discharged directly into the foul water drainage and not through soak aways or distributed onto land
- d) sample results from the bore hole water tests.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

Both a) and b) of condition 5 shall include:

- i) full details of tree and hedge planting
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed

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/2025/0355
Property Ref: F010020000+F01002A000
Valid date: 18/03/2025
Location: Rowan Tree Farm (formerly La Hauteur) Route De Pleinmont
St. Pierre Du Bois Guernsey GY7 9BU
Proposal: Change of use of attached vinehouse to home based business
(farm shop) and erection of fencing and gates to front (south)
of dwelling. Erect 2 buildings on agricultural land (east of
dwelling), erect polytunnel (on agricultural land north of
dwelling) and associated earthbanks, fencing and gates.
Widen agricultural vehicle access with associated relocation of
telegraph pole and erect double sided sign (south boundary)
with associated works.

Applicant: Mr & Mrs Etheridge

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure the access is fully completed in accordance with the approved plans and in the interests of visual amenity.

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b) Prior to the removal of the roadside hedge a landscaping scheme for the roadside boundary shall be submitted to and agreed in writing by the Authority. This roadside landscaping scheme shall be fully completed, in accordance details agreed in the first planting season following the removal of the roadside hedge, or in accordance with a programme previously agreed in writing by the Authority.

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c) 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 these buildings/structures have been granted only on the basis that they are required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

7. a) This permission relates to the use of part of the dwelling currently known as Rowan Tree Farm for the home based business specified in the application, in accordance with the provisions of Residential Use Class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. On the cessation of the farm shop home based business hereby approved the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

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occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

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Reason - In the interests of public health and safety.

9. The exterior of the workshop, barn and wash/pack buildings shall be finished with a dark brown stain/paint within 28 days of their construction.

Reason - To reduce the impact of the buildings on the character and appearance of the open landscape concerned.

10. Prior to any pigs being brought to the site details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) along with the details of fly traps and their proposed location on site shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

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11. This permission does not infer any permission/approval for the erection of the totem sign shown on any of the application drawings.

Reason - For the avoidance of doubt.

INFORMATIVES

Please note that not all species of Salix Willow and Hazel are native to Guernsey. For example, *Corylus avellana* is a native species of Hazel. The applicant is encouraged to use native planting in connection with landscaping on the site.

It is recommended the applicant contacts the Office of Environmental Health and Pollution Regulation as:

- a) a Waste Management Exemption for the storage of manure may be required in this case
- b) to discuss the number of poultry and livestock to be kept
- c) the matter of greywater and what the greywater will consist of. Under the Environmental Pollution (Water Pollution) Ordinance 2022, to prevent pollution incidents grey water should be discharged directly into the foul water drainage and not through soak aways or distributed onto land
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OFFICER'S REPORT

Site Description:

Rowan Tree Farm is an attractive one and a half-storey cottage with granite front façade and contrasting granite quoins around the windows and marking corners of this front façade. The property has a slate roof to the front with pitched roof dormers with decorative detailing and a central rooflight. A central porch also exists to the front elevation. A substantial lean-to vinehouse exists to the east of the dwelling with extensions situated to the rear/north of the main house. Vehicular access serving the house is located to the west of the dwelling, in the south/roadside boundary. A shed and lean-to exists adjacent to the west site boundary.

To the east of the dwelling is an existing field with its own access from Route de Pleinmont. Works have been undertaken on site to alter this existing access, install a new telegraph pole, lay hardstanding and create earthbanks in connection with the applicants plans for the site and which are the subject of the current application. To the north of the east field is a brick chimney stack associated with the former horticultural use of the site and the land has recently been cleared/tended and beds (at ground level) laid out and were in the process of being planted. Chickens were in an enclosure formed by movable netting on land directly north of the dwelling.

The site is located Outside of the Centres and within the Agriculture Priority Area (APA) as designated in the Island Development Plan.

The landscape character Annex of the IDP notes that “the Western Plateau is generally less affected by mid-to-late twentieth century development. The landscape consists of a series of broad erosion platforms stepping gradually down to the west and is much dissected by the deeply cut valleys. Open fields, divided by low earth banks, are interspersed with established farmsteads surrounded by mature trees. The open farmland on higher ground provides views out to the Western Bays and across the sub-zones from one church spire to the next”.

Relevant History:

Pre-application advice was provided in this case.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to various works around the site in connection with the applicants business operations and vision for the site:

- Use of part of attached vinehouse for homebased business, as a farmshop, with associated fencing and gates
- Widen vehicular access to agricultural land east of Rowan House to 6.5m with associated relocation of telegraph pole
- Erect a double sided totem sign to east of the agricultural access
- Lay hardstanding to provide parking for the farmshop and access tracks to land to the north of the site (part retrospective) with associated earthbanks separating the parking and access track from the retained agricultural land (described as future planting area)
- Erect a workshop, office and wash/packing shed to east of existing domestic vinehouse (on agricultural land east of Rowan Tree Farm)
- Erect a barn/machinery store adjacent to the east site boundary
- Install rabbit proof fencing to south of proposed barn and east of proposed workshop, office and packing shed and to north of proposed barn
- Each bed block for growing on agricultural land is also proposed to be enclosed by rabbit proof fencing
- Erect poly tunnel on land to the north of the dwelling, west of proposed bed blocks

On site the applicant referred to the removal of the existing hedge/planting on top of the roadside earthbank east of the agricultural access although this hedge is shown as retained on the application drawings. As originally submitted the application was accompanied by a covering letter by the planning agent including a GP9 statement.

The application was deferred following comments received by Environmental Health and due to reservations regarding the scale of the signage proposed in this location. It was also noted at the time of the officer site visit that aspects of the development were retrospective e.g. access and hardstanding and this matter was highlighted as part of the deferral process. The proposed buildings were also on site but had not been erected.

Further information and revised drawings have been provided including soil test results from States Analytical Laboratory. This explains that Rowan Tree Farm will operate as a regenerative market garden with no dig principles and organic methods which are focused on building soil health and biodiversity. The workshop is proposed to store and maintain tools/equipment and incorporate a staff breakout space and associated facilities. This is considered as the operational core for tool storage and servicing.

The wash/pack station is a critical facility for preparing produce grown on site for sale and will incorporate two wash bays for soil removal, food safe preparation worktops, a walk-in cold store and handwash station with greywater directed to adjacent planted borders thereby utilising nutrients and reducing waste.

The polytunnel as proposed is situated in a naturally sheltered part of the site bordered by a native planted 'nature corridor' to the west and mature tree-lined boundary to the east and earthbanks and hedging to the south. This provides protection from the prevailing winds and reduces its visual impact whilst being in close proximity to the growing area for operational efficiency. The barn is proposed to store essential machinery such as a tractor, mini digger, mower, quad bike and associated and seasonal equipment.

With regard to the Meadow Field the submission clarifies that growing will only in the area shown on the plans where the report accompanying the submission is free from contaminants and is of very good quality. The Meadow Field is for possible future growing subject to successful remediation as soil testing has identified trace contaminants in that area of the site. The remediation proposed relates to cover cropping with sunflower and mustard to extract the contaminants with regular retesting. The submission clearly sets out that no consumable crops will be grown on the land until the soil is declared clean (likely within 1 – 2 growing seasons).

The application was deferred in relation to concerns raised by the Office of Environmental Health and Pollution Regulation regarding contaminated land and further information requested. This had not however, been provided at the point of determination.

The scheme incorporates landscape buffers which serve several functions, a visual screen to neighbours, windbreak willow hedge which creates a microclimate for cobnuts, an ecological corridor for biodiversity and cut flower production for farm use and sales. The overgrown blackthorn hedge to the roadside earthbank is proposed to be removed to improve visual quality and support native flora

regeneration. A new willow hedge is to be planted behind the bank to enhance screening and biodiversity.

In relation to keeping livestock reference is made in the supporting information to a small group of pigs and keeping chickens. In both cases management of manure and fly traps are mentioned. Composting is also addressed as it is essential to regenerative soil health but will be closely monitored to minimise leachate and odours with regular turning for active decomposition.

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

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP14: Home Based Employment

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Agriculture, Countryside and Land Management Services - In relation to impacts on biodiversity, the information supplied with the application suggests that there will be a loss of grassland from the introduction of buildings, tracks and car parking area. In addition, a limited amount of hedgebank/hedge will be lost through the widening of the access.

The area of grassland was surveyed in the 2018 Habitat Survey and was assessed as Amenity Grassland (a grassland of relatively lower ecological value). Therefore, we advise that the loss of grassland will not be a significant environmental impact. We also note the intention to plant Salix Willow and Hazel within the scheme which will help to mitigate the loss of roadside hedge.

Not all species of Salix Willow and Hazel are native to Guernsey. For example, *Corylus avellana* is a native species of Hazel. We would welcome confirmation that native species are to be used in the landscaping. We note that the applicant is developing a detailed landscaping scheme which 'can be submitted subject to planning condition as becomes necessary'. It may be appropriate to request receipt of the scheme through a suitably worded condition.

Office of Environmental Health and Pollution Regulation - there are a number of issues of concern that I must raise.

Contaminated Land

I am concerned about potential contaminated land due to the land previously housing both hot and cold glasshouses. Whilst soil testing has been carried out as part of the application, heavy metals have been found and it has been acknowledged within the 'Results and Recommendations' document submitted with the application that consumption of crops is an exposure pathway. As such, I recommend a contaminated land condition with multiple sub-sections.

Manure management

There is insufficient information regarding control measures around manure management relating to the keeping of pigs and chickens in an adjacent field. I am concerned for the potential of statutory odour or fly nuisance to occur due to the presence of pigs and chickens. I would welcome information on the control measures the applicant proposes to put in place to ensure a statutory nuisance does not occur with regard to odour and flies.

Drainage and Soakaways

There is insufficient information with regard to drainage and soakaways to enable me to comment. I would welcome information on the location of the soakaways and how the applicant will manage manure contaminated water run-off.

Wash area

There is insufficient information available within the application to enable me to comment on the plans. I would welcome information with regard to the status of the farm produce being sold (i.e. is the purchaser expected to wash the produce prior to consumption, or will the applicant be offering ready to eat products?). I would also welcome detailed information on the set up / layout of the wash area.

Rain Water and Borehole

I would welcome any information with regard to any private water sample test results the applicant has undertaken.

Following the receipt of further information further comments and advice was provided:

There continues to be insufficient information to allow me to comment on the application. I have specific concerns with regard to grey water and odour / pest management. With this being said there are elements of the application that I do feel could be conditioned at this stage and as such I have made reference to these below.

Equipment

The equipment stated in the response from the applicant listed a number of loud machines that have the potential to cause a statutory noise nuisance to neighbouring properties. As such, I recommend the following condition:

‘No industrial machines or power tools shall be used outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no use on Sundays or public holidays’.

Contaminated land

I understand that the applicant wishes to clean the contaminated land using sunflowers and mustard, however, this may take a number of years until a suitable level of contamination (e.g. a relevant soil guideline value) can be validated. I recommend conditioning the recommended contaminated land condition from my previous response in its entirety and a desktop study undertaken by a competent contaminated land consultant. The development cannot commence and the land cannot be utilised to grow fruit or vegetables intended for human consumption until validation is received from a competent contaminated land consultant stating that any proposed remediation has been successfully demonstrated. Please note that this applies to the whole site.

Manure management

Whilst it was mentioned in the applicants response that fly traps will be placed on site, and the manure will be regularly removed, there is no information provided about the locations of the fly traps, where the manure heap will be located, the quantity of manure that will be kept and how often the manure heap will be removed. I require further information with regard to odour mitigation, how the manure removal will be managed, and the location of both the manure heaps and the fly prevention measures. The applicant should also be aware they may require a Waste Management Exemption for the storage of manure.

Animals

On the response from the applicant it states that 4 pigs will be kept on site but there is no proposed number for chickens. How many chickens will be kept on site? I am likely to recommend the restriction of numbers of chickens and pigs.

Grey Water

Further information is required with regard to grey water. Under the Environmental Pollution (Water Pollution) Ordinance 2022, to prevent pollution incidents we would ask that grey water is discharged directly into the foul water drainage and not through soak aways or distributed onto land. Within the additional information provided by the applicant, it states that grey water will be distributed onto planting borders, or into a soak away. Please could the applicant state what the grey water consists of, and how it will be collected and distributed.

The sample results from the bore hole water tests are yet to be received by this department. I would be grateful if a copy of the results could be sent to this department.

I would be grateful if these issues are considered during the determination of this application.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and appearance of proposals and their impact on the character and appearance of the locality, the effect of development on residential amenity and highway safety matters.

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.

Agriculture Outside of the Centres, within the APA

Various developments proposed fall on agricultural land where Policy OC5(A) applies. Policy OC5(A) relates to the development of new farmsteads and development relating to the agricultural use of an existing farmstead or holding with an expectation that development for new farmsteads supported where there is an acknowledged need but could not reasonably or practically be assimilated into an existing or former farmstead.

In relation to the agricultural use of an existing farmstead/holding or for a purpose ancillary and incidental to the existing principal agricultural use may be supported where there are no other buildings or structures at the farmstead or on the holding that could (with or without adaptation) be used for the proposed purpose. As an existing area of agricultural land which is being actively used by the applicant the site represents an existing holding where there is scope to allow new development, including buildings and which provides a gateway for the proposed development.

Homebased farmshop with associated fencing/gates

Policy GP14 makes provision for the use of part of a dwelling or the conversion of a building within the domestic curtilage/garden for the purpose of a business carried out by the occupier. As the change of use relates only to a small proportion of the vinehouse which is attached to Rowan Tree Farm it is clear that the principal use of

the domestic site and building will remain in residential use by the occupier. Visitors to the farmshop would not impact on the amenities of surrounding residential neighbours as all residential properties are set away from the site. Any disruption would impact the occupiers of the farmhouse most and would therefore be in their own best interests to manage.

The modest scale of the farmshop is such that there would not be an excessive number of visitors during the course of a day and the proposed use would not impact on the vitality of either Main or Local Centres. As a change of use (to Residential Use Class 5) the proposal would not have an unacceptable detrimental impact on the amenity of the area.

As proposed there would be ample on-site parking and turning for visitors to the farmshop so as to avoid customers stopping in the highway and the changes to the vehicular access would provide adequate visibility onto the highway in order to maintain highway safety.

The proposal also includes the erection of 1.8m high fencing to separate the public farmshop from the private amenity space at Rowan Tree Farm. Given the private nature of the front garden of Rowan Tree Farm, due to mature and established hedgerow, the proposed fencing would not be highly visible when travelling east along the road. Hedgerow and roadside boundary planting, in addition to planting that has been carried out within the site would also limit the effect of the fencing from the east, travelling west. The fencing would not impact on highway safety and in this instance would not have an unacceptable impact on the openness and character of the local landscape. There is a specific purpose for installing the fencing, offering balance and privacy between the main house and farmshop and so therefore, it would be reasonable to consider whether the fence could reasonably be required to be removed when the farmshop ceases to operate.

Widen vehicular access to 6.5m

The proposal to widen the access is explained to be necessary both in connection with the farmshop and in connection with the active agricultural use of the site in order for machinery and larger vehicles to access the site and this is considered to accord with the aims of Policy OC5(A). Although this is not a narrow road, visibility from the access is currently restricted in both directions. The scheme also proposes the removal of the existing roadside hedge and its replacement with willow planting behind the bank in order to preserve the character of the area whilst offering improved visibility from the access.

The wider access would allow entry and exit from the site at the same time and the site is not situated in a Conservation Area. Although a section of the boundary would be lost (and has in part already been undertaken) a large proportion will remain intact and provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result

of the development is not so substantial to warrant the refusal of planning permission.

The comments received by ACLMS about possible non-native species are noted. As no change of use of land is proposed the Planning Service could not insist on the use of native species connected with biodiversity enhancements on the site. Nonetheless, as the planning along the roadside boundary would help assimilate the development to the open landscape concerned and having regard to Policy GP8 to reinforce the local character and to mitigate the impacts of the development it is reasonable to impose a condition relating to the removal and replacement hedge.

Totem sign

As originally submitted the proposal related to the erection of a totem sign 2.3m high above the existing earthbank. The sign board itself would comprise two parts, the lower section being 25cm tall and 80cm wide with the larger sign above measuring 80cm x 80cm. The lower sign would act as a changeable produce board.

As amended the sign would be 2m high but with a small proportion of this being within the earthbank itself with the signpost being 1.7m above road level and the sign being c.935mm high. The sign shown to be set back from the road in order to ensure that visibility from the access is not obscured.

The sign itself would not impact on the amenities of surrounding residential neighbours and it is noted that the sign will be non-illuminated.

This is a rural location that is characterised by ribbon development and with limited other development. The parish cemetery and a cattle farm are situated a short distance away to the east. An 'A' board has been sited outside the farm to advertise the farmshop in the past however, this was at road level and likely screened from vehicles travelling east along the road.

The sign proposed is sizable in a location where no other similar developments currently exist. The scale of the sign is significant, particularly when considering the low level nature of the farmshop, as discussed elsewhere in this report. It is understood that the applicant wishes to ensure that drivers, travelling in both directions along the road can clearly identify the location of the farmshop (and also for deliveries/external contractors etc) although it is noted that although visibility from the access is restricted by the roadside boundary treatments the road itself is relatively straight thereby offering views of the proposed sign from some distance from the site. The sign will also appear more prominent in the street as a result of the proposed removal of the existing roadside hedge and with replacement planting being undertaken behind the roadside bank.

On balance, this aspect of the scheme is not considered to respect the character of the local area. In order to enable the remainder of the scheme to proceed however, this aspect of the application will be omitted. This would not preclude the

submission of a separate application for signage in due course. Without prejudice to the determination of the application the removal of the produce sign from below the main sign with associated reduction in pole height may be considered acceptable when considering the aims of Policy GP8.

The proposed materials and appearance of the sign represents a good standard of design however, in this rural location, made up of ribbon residential development and open agricultural land, the height of the sign would not respect the open landscape concerned. To enable the remainder of the application to proceed however, this aspect could be omitted with a separate and revised application for any signage to be submitted in due course.

Hardstanding for parking and access tracks and associated earthbanks

Consideration must be given to the effect of the areas of hardstanding on the agricultural land situated within the APA.

The level of hardstanding, parking and turning proposed is considered to be proportionate to the scale of the operation proposed and ancillary and incidental to the agricultural use of the land that currently exists in line with the aims of Policy OC5(A).

With the combination of existing and proposed landscaping, banks and parking the proposed areas of hardstanding will not become a prominent feature harmful to the character of the open landscape concerned (GP1/GP8). The works will not result in harm to the amenities of surrounding residential neighbours (GP8/GP9).

The proposed banks, although altering the layout and character of the field in which they would be situated would not be an alien feature in this rural part of the island. These earthbanks are retrospective as they have already been created, with hedge planting on top but overall comply with the requirements of Policies GP1 and GP8 of the IDP.

Erect a workshop, office and wash/packing shed

As outlined elsewhere, the gateway policy to consider the erection of this building is OC5(A) which relates to agricultural development on agricultural land. In terms of an existing agricultural holding, new development may be supported where it would be ancillary and incidental to the principal agricultural use and where there are no other buildings or structures within the holding that could, with or without adaptation, be used for this purpose. The submission does not specifically address that there is an existing outbuilding adjacent to the west boundary although at the time of the officer site visit it was clear that this structure was in active use for storage purposes associated with land management etc.

The applicant has confirmed that other than the rental/possible rental of adjoining fields, this business does not involve other horticultural sites and the proposal

therefore satisfies OC5(A) in terms of the availability and use of an alternative structure. As an independent market garden operation it would be difficult to accommodate this as part of an existing/operating farmstead however, the land on which the market garden operates is existing agricultural land albeit was not actively used in recent times until the applicant commenced their market garden farm operation. As there is no dwelling proposed in connection with this development Policy OC5(A) is met.

The workshop and wash/pack space are all shown to sit together would be a cluster of two separate sheds/buildings rather than one single structure. The single-storey, shallow, pitched roof design of this workshop/packing shed structure and the timber clad exterior (subject to colour/dark staining) represents a satisfactory standard of design that will not appear unduly prominent in the streetscene. The structure will be situated on the southern edge of the Plateaux landscape character (Annex V) where open fields are divided by earthbanks and there is reference to established farmsteads and surrounding mature trees. The Annex also refers to how open farmland on higher ground provides views to the western bays and this is typical of the application site. Built development on the open land will alter the character and appearance of that open land however, its single-storey nature and mitigating landscaping will reduce its impact on the landscape character. Some views towards the coast may be affected however, this would not warrant the refusal of planning permission.

The building will not result in harm to the amenities of adjoining residential neighbours in terms of overshadowing or loss of privacy.

The OEHPR requested further details regarding the layout of the proposed wash facility and the nature of produce to be processed for selling which the applicant has provided however, these details are not relevant to the assessment of a planning application. The matter of greywater is also a matter beyond the remit of this planning application.

Erect a barn/machinery store

The submission outlines the requirement for secure and covered storage for machinery/tools etc many of which are currently sat outside, on agricultural land, exposed to the elements. The building will enable the removal of an element outside storage from the site however it is not considered necessary to control external storage given the limited views and associated impact of external storage on the hardstanding around the proposed building.

The issues assessed above in relation to the packing shed etc. apply in this case and are unchanged in terms of assessment against the IDP with regard to the proposed barn and its impact on the landscape and neighbour amenity.

Although the OEHPR have recommended a condition about the use of machinery and equipment stored in the store as unrestricted agricultural land it would be

unreasonable to impose this sort of restriction on use through the planning process. Environmental Health can undertake a statutory nuisance investigation should a complaint be received.

Install rabbit proof fencing

The rabbit proof fencing proposed (and installed) is a timber post and metal wire fence required in this location to keep rabbits from damaging crops being grown. The Planning Service is satisfied that the proposed erection of fencing and the enclosures represent a purpose ancillary to the existing agricultural use of the land and the management of the land. With regard to the impact of the proposed fencing on the character and openness of the landscape, Policy GP1 seeks to ensure that development respects the relevant landscape character within which it is set and does not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area. In addition, Policy GP8 indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design and respects the open character of the landscape concerned.

The fences would not form prominent features from public places. The proposed post and wire fences are of an agricultural style and the enclosures are set back from the highway and would be viewed against the agricultural land, boundary features and other planting (existing and proposed). As a result, the proposed fences would have a limited visual impact on the landscape character and openness of the area, in accordance with Policies GP1 and GP8.

Erect poly tunnel

The poly tunnel has been installed and is situated within the site, away from the road and although glimpse views are possible it does not appear unduly obtrusive in the wider area. Its location has been chosen having regard to the topography of the site and in order to utilise existing landscape features to offer shelter and an element of screening. The proposal represents a good standard of design that is appropriate in this agricultural setting, with other built development on the site close by. The poly tunnel will not impact on the amenities of surrounding residents.

Land contamination

The submission has incorporated a Heavy Metals Report for the land to the east of the dwelling (described as the Meadow Field) which outlines high levels of Lead and Zinc in this area of the site with associated recommendations. With hardstanding introduced in the areas of the site where these contaminants are present this does, in some regard, limit the potential effect to public safety and it is apparent that the applicant is well aware of the issues on this part of the site. The recommendations of OEHPR must however, be taken into account and the condition relating to the remediation of contamination is recommended in this case.

The applicant indicated at the time of the site visit that there were plans to implement the recommendations of the Heavy Metals Report in relation to the Meadow Field part of the site. The Office of Environmental Health and Pollution Regulation have however, recommended a full contamination condition to manage contaminants on the site. It is acknowledged that this is an unrestricted agricultural site where growing can and is undertaken at present

Although following the deferral of the application the applicant had indicated that a Desktop Study, to gather existing information and develop an Initial Conceptual Site Model to assess whether contamination is likely, would be submitted but at the time of writing this had not been submitted. Although the Planning Service had paused the assessment/determination of the application at the applicant's request a planning application cannot be held in abeyance indefinitely, especially when there is sufficient information available for a recommendation and decision to be made.

It is acknowledged that this is an unrestricted agricultural site where growing can and is undertaken at present. Nonetheless, based on the advice of Environmental Health it would not be appropriate to impose a condition on only the part of the site identified for built development (hardstanding and buildings) as this would not discharge the statutory duties and responsibilities of the Planning Service, in consultation with Environmental Health to have regard for public health. The imposing of the recommended condition would not demonstrate the presence of contaminants in all areas of the site but seeks to ensure that further investigation is undertaken in relation to this which may confirm that other than in the area of Meadow Field there are not contaminants present. The applicant has repeatedly indicated their confidence that this matter can be readily addressed through a Desktop Study although this has not been provided. The Study is not however, necessary prior to the determination of the application as this is a matter that can be managed by the multi-stage planning condition recommended by Environmental Health.

The condition will only require further investigation and mitigation if contamination is found to be present through that initial Desktop Study. Although the applicant indicated that a Desktop Survey would be supplied to aid Environmental Health in their assessment of the proposals this has not been provided to the Planning Service. Based on the information provided with the application and the advice from Environmental Health there is no justifiable reason to delay the determination of the application any further.

Other matters

The comments of OEHPR regarding manure management are also noted. The submission refers to the use of fly traps and the manure will be regularly removed however, the level of information is limited e.g. location of fly traps, location of manure heap, quantity and frequency of removal. It is understood that, with the exception of existing chickens kept at the site the introduction of more animals will

occur later and since the submission of this application (and associated written submissions) it is understood that pigs have been brought to the site.

It is reasonable therefore, to manage this matter by way of planning condition so that details can be provided. It would not be reasonable however, for the Planning Service to place a control on the number of any particular livestock kept at the site. An informative note can be used to highlight that a Waste Management Exemption for the storage of manure may be required in this case.

Conclusions

In view of the above it is recommended permission is granted for the farmshop (Use Class 5), access, hardstanding, poly tunnel and buildings with the signage excluded from this permission. The permission would require various conditions to be attached including:

- The removal of buildings/poly tunnel/rabbit proof fencing when no longer required
- The access being fully complete and the ends of the widened access being made good
- Landscaping details to the roadside boundary and around the parking area/area of hardstanding
- Dark staining of buildings
- Use of buildings for agricultural purposes only and removal when no longer required
- Reversion of farm shop to part of the dwelling when no longer required for the purposes outlined in this submission
- Contamination condition
- Manure management for pigs
- Removal of fencing around farmshop when no longer in use for that purpose

It is also noted that given that the site is already recognised as agricultural in planning terms the growing and keeping of animals does not represent a breach of planning control. In granting this permission however, a number of conditions will have been breached and will require immediate attention both on the part of the Authority and the applicant to ensure these are resolved quickly (e.g. Desktop Study and pig manure).

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: 01/10/2025

