

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 from agricultural building and land (use class 28) to storage and distribution (use class 22) (300sqm) and associated works (revised).

LOCATION: Hollywood, Duveaux Lane, St. Sampson.

APPLICANT: Mr & Mrs S & M Whitaker

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: 30/12/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan
Matts Architectural Technology Ltd - 20-145-01 & 02

Application Ref: FULL/2025/0796

Property Ref: B01057A000

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 industrial activity, including vehicular movements, the loading or unloading of vehicles, deliveries to or from the site, or any site maintenance, shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No such activity shall occur on Sundays, Bank Holidays or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

5.No development shall begin on site until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the Authority. No use or occupation of the building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - In the interests of visual amenity.

6.No development shall begin on site until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity and biodiversity.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the

following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

8.No external storage of any description shall take place on the site.

Reason - In the interests of visual amenity.

9.Prior to the first use of the hereby approved storage unit, details of the independent access to the remaining agricultural land shall be submitted to and approved in writing by the Authority, and the agricultural access shall be completed in accordance with the approved details and made available for use.

Reason - To ensure that the development does not have an adverse effect on the agricultural use of the agricultural land.

Expiry Date: This permission will cease to have effect on 29/12/2028 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/2025/0796
Property Ref: B01057A000
Valid date: 29/05/2025
Location: Hollywood Duveaux Lane St. Sampson Guernsey
Proposal: Change of use from agricultural building and land (use class 28) to storage and distribution (use class 22) (300sqm) and associated works (revised).

Applicant: Mr & Mrs S & M Whitaker

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 industrial activity, including vehicular movements, the loading or unloading of vehicles, deliveries to or from the site, or any site maintenance, shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No such activity shall occur on Sundays, Bank Holidays or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

5. No development shall begin on site until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the Authority. No use or occupation of the building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - In the interests of visual amenity.

6. No development shall begin on site until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity and biodiversity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

8. No external storage of any description shall take place on the site.

Reason - In the interests of visual amenity.

9. Prior to the first use of the hereby approved storage unit, details of the independent access to the remaining agricultural land shall be submitted to and approved in writing by the Authority, and the agricultural access shall be completed in accordance with the approved details and made available for use.

Reason - To ensure that the development does not have an adverse effect on the agricultural use of the agricultural land.

OFFICER'S REPORT

Site Description:

The site consists of an agricultural field with a boiler house and other ancillary structures (including a water tank and oil tank) related to the former horticultural use of the site situated within the north-east corner. The boiler house has the appearance of a two storey pitched roof corrugated clad building with a single storey lean-to section to the west elevation. The site is located Outside of the Centres.

Relevant History:

Jan to April 2025 – PREA/2024/2130 – Pre-application enquiry regarding the change of use to storage/distribution Class 22 and associated parking.

15/02/2019 – FULL/20218/2312 – Application refused to convert and extend existing outbuilding to create dwelling.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission was requested for the change of use from agricultural building and land (use class 28) to storage and distribution (use class 22) (1,300sqm) and associated works.

During the course of consideration, the application was deferred due to concerns about whether there was a justifiable need for the proposed business to be located Outside of the Centres location; the size of the associated outdoor space; and further information was requested about boundary treatments, landscaping, physical alterations to the building and the nature and operation of the proposed use.

Revised plans and additional information has subsequently been submitted to address the concerns raised. This includes reducing the area of land proposed for a change of use to storage and distribution to approximately 300sqm.

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

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres
Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development
Policy GP15: Creation and Extension of Curtilage
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One objection was received in response to the original application, main points as follows:

- The site notice has not been displayed correctly.
- Road safety and traffic management concerns due to the existing volume of traffic along the lane, the narrow width of the highway and the speed of vehicles.

One objection was received in response to the revised application dated 20/08/2025, main points as follows:

- Original concerns regarding road safety and traffic management remain.
- Proposed use including large delivery vehicles is wholly unsuitable for narrow lane in close proximity to a school and stables.

One objection was received in response to the revised application dated 12/11/2025, main points as follows:

- The inability to find a suitable site for the storage and distribution yard is not a sufficient reason to locate on this site.
- Concerns remain regarding road safety and traffic management and unsuitability of narrow lane in close proximity to a school and stables for large delivery vehicles.

Consultations:

The Office of Environmental Health and Pollution Regulation, 20/10/2025

"I have reviewed the applicant's letter dated 18th August 2025, which answers the questions in my letter dated 11th July 2025, in relation to the proposal to change the use of the site from an agricultural building and land (Use Class 28) to storage and distribution (Use Class 22), to facilitate the applicant's business operations, which are stated to include the sale of garden fencing, grid force, soak away crates, and related items.

I am concerned about the potential for adverse noise impact on the nearest residential property and therefore I recommend the following condition is attached to any permission granted for the application:

- No industrial activity, including vehicular movements, the loading or unloading of vehicles, deliveries to or from the site, or any site maintenance, shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No such activity shall occur on Sundays, Bank Holidays or Public Holidays".

The Office of Environmental Health and Pollution Regulation, 11/07/2025

"I have reviewed the planning application to change the use of the site from an agricultural building and land (Use Class 28) to storage and distribution (Use Class 22), to facilitate the applicant's business operations, which are stated to include the sale of garden fencing, grid force, soak away crates, and related items.

There is currently insufficient information provided within the application documents to allow for a full and informed assessment of the potential impact of the proposed use. I am particularly concerned about the potential for adverse noise impact on the nearest residential property. Aerial mapping indicates that the building and associated land either shares an access or is near the entrance of a residential property known as Norwood.

To proceed with a comprehensive assessment, I request that the following additional information be provided by the applicant:

1. Proposed Hours of Operation: What days and times will the site operate?
2. On-site Activities: Please provide details of all activities that will be undertaken at the site.
3. External Storage: What materials or items will be stored externally on the site?
4. Internal Storage: What materials or items will be stored inside the building?
5. Equipment Use: Will any plant, machinery or other noise-generating equipment be used on-site?
6. Deliveries: Will third-party deliveries to the site occur? If so:
 - What items will be delivered?
 - What types of delivery vehicles will be used?
 - How frequently will deliveries take place?
7. Maintenance Activities: Will any maintenance be carried out on-site? If so, will noise-generating machinery be used, and what will this entail?

Should further information be provided, I would be happy to look at this and provide further comments. I would be grateful if this letter is considered during the determination of this application".

Summary of Issues:

The main issues in deciding this application are:

1. Principle of development
2. Scale, design and impact on the character of the area
3. The impact on neighbouring amenity
4. Traffic and highway safety

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 OC3 makes provision for new small scale industrial and storage and distribution uses Outside of the Centres *“where they are of a scale and form that respects the character of the surroundings and do not introduce unnecessary development which is otherwise capable of being located within the Centres and where the proposals would have no adverse effect on the conditions of neighbouring occupiers and would not adversely affect highway safety and the free flow of traffic.”* Such development is also directed to either brownfield sites or redundant glasshouse sites or where it can be achieved through the conversion of a redundant buildings to *“ensure that they take advantage of being located on previously developed land or land which contains a certain level of infrastructure as a result of its former use. This will also ensure that small scale industrial or storage uses do not occupy open land and, in some cases, the development may positively enhance a site through the clearance of redundant glass or associated structures from the landscape.”*

In this case the proposal relates to the conversion of a redundant building and therefore the proposal must comply with Policies OC3 and GP16(A).

The applicant sets out that their business is a small-scale, sole trader business involving the storage and distribution of bulky items such as garden fencing, grid force, soak away crates and other landscaping equipment. Items are stored in a warehouse and are delivered to customers, there is no display or collection of items by members of the public. The hours of operation are 08:00 to 17:00 Monday to Friday and 08:00-12:00 on Saturdays with no Sunday or bank holiday operations. There would be a maximum of 2 deliveries per day.

With regards to criterion (b) of Policy OC3, the applicant has set out details of the requirements for their business, which include a floorspace between 30-50sqm, a minimum height of 4 metres and door width of 8ft and with outside parking space for loading and unloading over several hours. In addition, details of their search for suitable properties has been provided, including that they have been searching on and off for 5 years without success, details of properties currently on the market have been submitted including why they would not be suitable and it is advised that many of the warehouse type buildings within the Main Centres are too large for their small-scale, sole trader business.

The information submitted demonstrates that the proposed business is of a nature and scale that Policy OC3 makes provision for in certain specific circumstances. By virtue of the requirements of the business, the information submitted is sufficient to justify the location of the business outside of the Main and Local Centres on the

basis that there are a lack of suitable alternative sites within the Centres, in accordance with criterion (b) of Policy OC3.

Criteria (i) to (vi) of Policy OC3 are dealt with below.

With regards to Policy GP16(A), in February 2019 as part of an application which was refused to convert the building into a dwelling (FULL/2018/2312), it was noted that the building was originally used for horticultural purposes which ceased to operate by 1996 and it was accepted that the building is no longer required for its last known horticultural purpose.

The structural report concludes that with some internal upgrades to brace and stiffen the timber structure, the building is suitable for conversion to a storage unit. The applicant confirms that no alterations are proposed to the external cladding and no other extensions or external alterations to the building are proposed. The information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion to the proposed storage use without extensive alteration or rebuilding.

The building is not of either architectural or historic interest and is not considered to be a building of character that makes a positive contribution to the character and appearance of the area.

The proposal includes the creation of a curtilage to serve the storage unit which also falls to be considered under Policies GP15 and GP1. The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and no existing boundary features are proposed to be removed. The application site is located in a semi-rural area characterised by built development of mainly residential properties situated in ribbons along the highway with areas of agricultural and undeveloped land providing a break between the pockets of built development. However, the proposed storage unit and its associated curtilage is confined to the north-east corner of the site, it is well related to neighbouring properties along the highway to the north and the proposal would retain the remainder of the site as agricultural/undeveloped land. The proposal provides a reasonable balance between creating an area of land to enable the converted building to function whilst retaining the openness and landscape character of the site as a whole. The impact on the landscape character of the area can be further softened with appropriate landscaping along boundaries and by restricting external storage. The application includes an intention to form an earth bank planted with native hedging along the south boundary which is likely to be appropriate, details of this and the boundary treatments along the west, north and east boundaries can be requested by condition. The proposed conversion of the building to a storage unit and its associated land is unlikely to have any unacceptable impacts on the character and openness of the landscape, in accordance with Policies OC3, GP1, GP15 and GP16(A).

To address the potential for adverse noise impacts on the nearest residential property, The Office of Environmental Health and Pollution Regulation recommend a

condition limiting industrial activity, including vehicular movements and the loading or unloading of vehicles to 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, with no such activity on Sundays, Bank Holidays or Public Holidays. The applicant has subsequently agreed to these hours of operation. By virtue of its small scale and the nature of the proposed storage use, and provided that the hours of operation are limited to those recommended, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

A representation raises road safety and traffic management concerns due to the unsuitability of the narrow lane for large delivery vehicles and the proximity of the site to a school and stables. It is also noted that the highway is proposed as a Ruettes des Habitants as part of the Better Transport Plan for the north of the island. However, by virtue of its small scale and the nature of the business, the proposed use is unlikely to result in a significant increase in vehicle movements along the highway. The creation of the proposed curtilage around the building would enable vehicles to enter and exit the site in a forward gear and the likely modest use of the site by the types of delivery vehicles indicated in the application are unlikely to result in any significant road safety and traffic management issues. The proposal accords with Policies IP7 and IP9, and criterion (ii) of Policy OC3.

The applicant advises that an existing access to the agricultural land in the south-east corner of the field will be opened to create a separate access to the agricultural land. Details can be requested by condition.

The creation of earth banks planted with native hedging along the boundaries has the potential to provide proportionate biodiversity enhancements, taking into account the modest area of land involved. Precise details can be requested by condition.

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: 23/12/2025

