

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of land for storage and distribution (Use Class 22) and retain hard surfacing (retrospective).

LOCATION: Land to the rear of Le Va, La Route Du Braye, Vale.

APPLICANT: Mr R Lowe

I refer to the application referred to below received as valid on 01/10/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/03/2026

Drawing Nos: Tyrrell Dowinton Architects - 2339 01.02

Application Ref: FULL/2025/1429

Property Ref: C008150000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The granting of a permanent permission for storage use would infer that the development of the site for housing for the foreseeable future would not be implemented and therefore a permanent storage use would inhibit the potential use of the site for housing and could inhibit the comprehensive development of the allocated housing site, contrary to Policies MC2 and GP10.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/1429
Property Ref: C008150000
Valid date: 01/10/2025
Location: Land to the rear of Le Va La Route Du Braye Vale Guernsey GY3 5PB
Proposal: Change of use of land for storage and distribution (Use Class 22) and retain hard surfacing (retrospective).
Applicant: Mr R Lowe

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The granting of a permanent permission for storage use would infer that the development of the site for housing for the foreseeable future would not be implemented and therefore a permanent storage use would inhibit the potential use of the site for housing and could inhibit the comprehensive development of the allocated housing site, contrary to Policies MC2 and GP10.

OFFICER'S REPORT

Site Description:

The site is accessed off Braye Road and is situated behind neighbouring dwellings fronting onto the public highways. The site is in a Main Centre Outer Area and the Saltpans Housing Allocation site as defined by the Island Development Plan.

There is a long history of temporary planning permissions on this site, with the original permission having been issued in 2003 following unauthorised use of the site for the outside storage of goods and vehicles associated with the adjoining event hire business. The 2003 permission regulated this use and was time limited so that the use did not prejudice comprehensive development of the Housing Target Area, in which the site was located.

Relevant History:

14/05/2024 – FULL/2024/0555 – Permission granted to retain temporary hard surfacing for parking and turning of vehicles and storage of equipment associated with the adjoining Event Hire business (Retrospective). Approval for a temporary period of 1 year, expired on 13th May 2025.

27/11/2023 – FULL/2022/1631 – Application withdrawn for a residential development for Affordable Housing - Erect 69 houses and 60 flats with associated vehicular access onto La Route de Braye.

03/11/2023 – CLU/2023/1040 – Application refused for a Certificate of Lawful Use to regularise use of land for the parking of vehicles and storage of equipment associated with the adjoining event hire business (Storage/Distribution use class 22).

09/08/2022 – FULL/2022/0789 – Permission granted to retain temporary hard surfacing for parking and turning of vehicles and storage of equipment associated with the adjoining Event Hire business, expired on 09/02/2023.

A number of previous permissions to retain temporary hard-surfacing starting with an original application in March 2003.

31/03/2003 – PAPP/2003/0211 – Permission granted to lay temporary hard surfacing.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Retrospective planning permission is requested for the permanent change of use of land for storage and distribution (Use Class 22) and to retain hard surfacing.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP10: Comprehensive Development

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 30/10/2025

"I have reviewed the proposed plans for the retrospective change of use of land for storage and distribution and the retention of hard surfacing at the above site.

Whilst I do not wish to raise any objection to the proposals given that the applicant has stated that the site has been operated for the last 20 years, I have concerns regarding

the potential for contaminated land at this site due to the presence of former glasshouses.

Should an application be made in the future which includes the breaking of ground, I would recommend a full contaminated land condition is applied to ensure that any future development is free from contamination”.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the development would inhibit the comprehensive development of the Allocated Housing site.
2. Design and impact of the development on character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.
4. The impact on road safety and traffic management.

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).**

The proposal falls to be considered principally under Policies MC2 and MC5(B). The area in question forms part of the Saltpans Housing Allocation site. As part of a housing allocation site, as per Policy MC2 the area is expected to be developed primarily for housing.

A Development Framework has been adopted as Supplementary Planning Guidance for the Saltpans Housing Allocation site. As a result, an application for full planning permission could be submitted at any time.

The site is currently used for the temporary parking and turning of vehicles and storage of equipment associated with the adjoining Events Hire business and had temporary planning permission for this use. The most recent temporary permission expired on 13th May 2025, with a condition that all vehicles and other equipment stored on the land in association with the adjoining Event Hire business shall be removed by that date. This was on the basis that the continuation of the existing development on the site over a limited period would not prejudice the future comprehensive development of the allocated housing site and as such was considered to be in accordance with Policy MC2 and all other relevant policies of the Island Development Plan, including MC5(B). Policy MC2 states: *“development that is unlikely to inhibit the implementation of future development, or inhibit the implementation of a Development Framework or prejudice the comprehensive development of allocated housing sites, may be supported where it is in accordance with all other relevant policies of the Island Development Plan”.*

This current application is for a permanent change of use to a general storage and distribution use (use class 22) and not specifically related to the adjoining events hire business.

The applicant's letter states that the land does not form "part of future Guernsey Housing Association housing delivery and as confirmed in writing from the Guernsey Housing Association to the applicant". This has not been provided with the application. The site owner submitted 2 initial representations to the Island Development Plan review seeking removal of the site from the housing allocation. It is not currently proposed to exclude the site from the housing allocation. However, the Island Development Plan review and emerging draft planning policy as part of that process has no bearing on the assessment of current planning applications or the application of current planning policy.

The approved Saltpans Development Framework does not require primary access via this site, and therefore a housing development on the remainder of the housing allocation could go ahead without this parcel of land. However, to not include the land would be a missed opportunity to provide additional housing in a sustainable location within a Main Centre on land specifically designated for housing. This is particularly the case when open storage is a potential use on other sites, for example redundant glasshouse sites, or at the Extension Vinery site, and it could be a 'bad neighbour' use for the housing site.

The granting of permanent permission for storage use would infer that the development of the site for housing for the foreseeable future would not be implemented and therefore a permanent storage use would inhibit the potential use of the site for housing and could inhibit the comprehensive development of the allocated housing site, contrary to Policies MC2 and GP10. It is not agreed that the development of the allocated housing site without this land could constitute comprehensive development of the allocated housing site.

The felling of trees along the south boundary and the clearance of the adjoining land to the south and west has increased the visibility of the site from public views along Saltpans Road. If the storage use was to be permanent, it would be beneficial if additional soft landscaping was sought to screen the activities on the site. However, as the application is not otherwise acceptable this has not been explored further at this stage.

The proposed general storage and distribution use would enable uses unrelated to the adjoining events hire business to operate from the site. This has the potential to change the nature and frequency of activities at the site. Further information would be required about the proposed use to assess the potential impact on the amenities of neighbouring residents.

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 refused.

Date: 06/03/2026