

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 mushroom growing (Agricultural Use Class 28) to use for general storage and distribution (Use Class 22) (Part Retrospective).

LOCATION: Les Valleees Farm, Rue Du Preel, Castel.

APPLICANT: Mrs K Billien

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: 14/01/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/09/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 24-015-01B

Application Ref: FULL/2025/1450

Property Ref: D006390000

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 vehicle movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07:30 and 18:00 on Monday to Friday and 08:00 and 13:00 on Saturdays. There shall be no loading or unloading of vehicles at any time on Sundays, Bank or Public holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

5. No deliveries shall be received at or dispatched from the site outside the hours of 07:30 and 18:00 hours on Monday to Friday and 08:00 and 13:00 hours on Saturdays. There shall be no deliveries or dispatches at any time on Sundays or Public and Bank holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

6. No storage of any description shall take place on the open land outside the buildings or poly tunnels on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoil the appearance of the area.

7. Storage of any liquid used for trade use must be within a bund that has 110% capacity of the total volume of liquids it holds. The storage of any liquids must be within the tunnels and not stored outside.

Reason - To protect against any form of pollution, in relation to public safety and neighbour amenity.

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - To secure the safe treatment (and removal) of contaminated soil and prevent, so far as practicable, the spread and potential leaching of pollutants.

Expiry Date: This permission will cease to have effect on 13/01/2029 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/2025/1450
Property Ref: D006390000
Valid date: 05/09/2025
Location: Les Vallees Farm Rue Du Preel Castel Guernsey GY5 7DP
Proposal: Change of use from mushroom growing (Agricultural Use Class 28) to use for general storage and distribution (Use Class 22) (Part Retrospective).
Applicant: Mrs K Billien

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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on Sundays, Bank or Public holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

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Reason - To protect against any form of pollution, in relation to public safety and neighbour amenity.

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - To secure the safe treatment (and removal) of contaminated soil and prevent, so far as practicable, the spread and potential leaching of pollutants.

OFFICER'S REPORT

Site Description:

The application site sits to the south of but not immediately abutting the road frontage of Rue du Preel. The site is recognised as agricultural land, albeit used for horticultural purposes, however under The Land Planning and Development (Use Classes) Ordinance, 2017 there is no separate use class for horticulture and the definition of agriculture also includes land used for horticultural purposes.

The land is occupied by 11 poly tunnels previously used for the growing of mushrooms and a packing shed and cold store also used in connection with the

primary purpose of mushroom growing. The tunnels and associated structures were erected at separate intervals under separate permissions.

The land is defined as an Agriculture Priority Area (APA) Outside of the Centres within the Island Development Plan (2016).

Relevant History:

Most pertinent to this application:

G519	Erect poly tunnels at Les Valley Vinery – Permission in Principle	
	20/2/1991	
G519 – D639/P6	Erect poly tunnels at Les Valley Vinery - Permit	21/6/1991

Under consideration:

FULL/2025/1482	Variation of condition from application PAPP/1992/1161 – Retention of 5 growing tunnels
FULL/2025/1481	Variation of condition from application PAPP/1993/1724 – Retention of packing shed and cold store
FULL/2025/1480	Variation of planning condition from granting of 1991 planning permission - Retention of 5 growing tunnels

Existing Use(s):

Agriculture Use Class 28

Brief Description of Development:

The application is for the change of use from mushroom growing (Agricultural use class 28) to use for general storage and distribution (use class 22). The application is in part retrospective with 6 of the 11 tunnels currently in use for storage and distribution not in connection with the mushroom growing business which previously occupied the site.

In support of the application the agent has submitted:

- A covering letter from a planning consultant
- A covering letter from the applicant
- An inspection report carried out by Mouillage Structures
- 8 letters of support in relation to need from 6 different businesses
- Letter from Estate agent
- Financial costings in relation to removal

The application was deferred to seek further information regarding Policy GP16 and in relation to the use of the site for agricultural purposes. Further information was received on 7th January 2026.

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

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

OC6: Horticulture Outside the Centres

OC3: Offices, Industry and Storage and Distribution Outside the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP16(A): Conversion of redundant buildings

IP9: Highway safety, Accessibility and Capacity

Representations:

1 letter of support from a Deputy noting:

- The positive management of the site both in the past and currently
- The need for small scale storage and distribution type uses
- The demise of agriculture on the Island

Consultations:

Office of Environmental Health and Pollution Regulation – Environmental Health

No objection subject to a number of conditions relating to:

- Vehicle movement times
- Delivery times
- Open storage
- Bunded storage
- Contamination

Summary of Issues:

- Whether the polytunnels are defined as a building in relation to the application of Policy GP16(A)
- Loss of agricultural land
- Appropriateness of storage and distribution in this locality
- Impact on visual amenity
- Traffic impacts

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).**

Whether the poly tunnels are defined as a building in relation to the application of Policy GP16(A) and whether if doing so GP16(A) is satisfied

Although there is provision within the IDP to consider a change of use from agriculture to a storage and distribution use for sites that are designated as Outside of the Centres, namely through GP16(A), this is provided for through the conversion of redundant buildings only. There is no other policy avenue within the IDP in which to consider such an application.

The recognised definition of a building is considered to be a structure with a roof and walls and it is clear from both the policy text and the preceding text to Policy GP16(A) that this definition was used to form the basis of this policy. Further support to the aim of this policy is also established by the overarching principles of the SLUP and other policies within the IDP. The clear intention being to allow limited development Outside of the Centres except in very specific circumstances. In relation to this particular application, although it is noted that other provisions in regard to residential development Outside of the Centres also exist, those circumstances relate to the conversion of redundant buildings.

It is clear therefore that poly tunnels by their very nature do not fit within the defined meaning of a building and in most circumstances an application of this nature would not fall to be considered under Policy GP16(A), however in this particular instance and given the uniqueness of this application, it is considered that GP16(A) should be applied.

Although the structures on site are recognised as poly tunnels and fall squarely within the definition of such, consideration has to be given to their overall physical characteristics which have been defined by their original purpose for mushroom growing.

The frames of the poly tunnels are constructed of a series of robust metal poles fixed into the ground providing a significant degree of permanence. Constructed in the early 1990's the tunnels show little signs of wear and tear having been in situ for 30+ years and their robust construction with an integrated insulated covering means that these are not of a 'typical' poly tunnel appearance. The insulated end panels of these tunnels along with the covering are robust in construction with insulated doors contained within a metal frame featuring in one end of the gables in each tunnel. During the site visit it was observed that ventilation equipment is present within each of the tunnels (although not currently used) suspended from and supported by the metal frame of the structure, external ducts serving the ventilation are evident on the outside of the tunnels sealed by the covering. The tunnels are equipped with electricity and were observed to be dry and to have a solid slab base.

As part of the application a structural survey and financial information in relation to costs associated with removal have been submitted, which supports the assessment above. Further information, following deferral has also been submitted by the agent, this again supports the conclusion that the tunnels are robust, substantial and permanent. It is noted that "barring their appearance [they] share all the essential

characteristics of the more traditional type building” and are “markedly different from lightweight, single- skin poly tunnels”.

As part of the assessment of the application consideration has been given to UK case law which although not legally binding in Guernsey does assist. In considering some similar matters factors such as size, fixing method, permanence and construction have been taken into account. Taking these factors into account therefore as well as the longevity of the tunnels and current appearance and state, it is concluded that in this particular circumstance and given the nature of these particular poly tunnels, the application would fall to be considered under Policy GP16(A).

Having established that Policy GP16(A) does provide the gateway policy through which the principle of the application can be considered, whether the criteria of this policy are satisfied now needs to be assessed.

It is clear, given the intended original purpose of the tunnels and their unique design for mushroom growing, along with the fact that the application is in part retrospective that they are redundant and no longer required. Although they could still be used for mushroom growing given the condition of tunnels, the use for mushroom growing is a very specialised use. The land itself is classed as agricultural falling within the APA and although there could be some argument that the tunnels could be used for ordinary growing, this would not be possible in their current state without substantial alteration and wholesale replacement of their covering. On this basis therefore it is considered that criterion a. is satisfied.

The use for storage and distribution is supported and as established above the tunnels are of a sound and substantial construction capable of conversion. As there are no significant changes proposed to the existing form and design there would be no further impacts on the openness of or character and appearance of the area and the use of the site for storage and distribution purposes would not have significant impacts on the overall appearance of the area.

On this basis therefore, the application would meet the requirements of GP16(A).

Loss of agricultural land

Following cessation of land for horticultural purposes, it is expected that any structures and buildings are removed and the land reverted back to agricultural use. The site is within the APA and as such is considered to be prime agricultural land. Policy OC5(A) relates to Agriculture Outside the Centres but within the APA, noting that support will only be given, where development would result in the loss of agricultural holding or farmstead, where it is demonstrated that the farmstead or land is no longer required for agricultural purposes and where the new use accords with policy.

The onus is on the applicant to provide this demonstration and limited information was initially supplied noting that there is no practical or financially realistic prospect

of the land being used for agricultural given the nature and extent of structures and hard standing on the land. Further information subsequently received notes the landlocked nature of the site by the large glasshouse to the north, dense landscaping to the east and residential properties to the south and west. Comment is given on the inclusion of land within the APA boundaries noting the wording of the IDP in respect to these being broadly drawn before focussing on the constraints of the site both in terms of what occupies the site and the relationship of the land to other actively managed agricultural areas. The agent concludes that the extent of works required along with the limited demand in the area justifies the loss of the land for agricultural purposes.

The land itself however is a sufficient size to contribute to the wider swathe of APA and whilst the agent notes the relationship to the adjacent glasshouse this in itself means that the land could be used in connection with that use or cleared site, so it is not considered that a compelling argument is made on that point alone.

However, looking at the site itself, which is substantially comprised of hard surfacing, the structures on it and the submitted costings involved in clearing the site, it is difficult to realistically envisage that this site could sufficiently contribute to a wider area of APA land. The level of development on the site would mean that the clearance required would be extensive but in addition to this substantial ground works to remove the concrete slab would also be needed. As such, the likely mitigation measures needed to bring the site back into suitable use for growing or grazing would likely render the area impractical for agricultural use. Having already demonstrated compliance with Policy GP16(A) a. in that it is no longer required for horticultural purposes, that the site is already partly in use for storage and distribution purposes and that the application would accord with other relevant policies of the IDP, it is considered on balance, that the change of use of this land parcel would not result in a significant loss of agricultural land within the APA.

Appropriateness of storage and distribution in this locality

Policy OC3 Offices, Industry and Storage and Distribution Outside of the Centres provides support for new storage and distribution uses only in specific circumstances. For the purposes of this application, those circumstances relate to where there is a justifiable need for the business to be located in the proposed area and it has been demonstrated that there is no alternative site within the Main Centres, Main Centre Outer Areas or Local Centres and if achieved through conversion. If these principles are satisfied, Policy OC3 then sets out a further set of considerations in respect to visual and neighbour amenity; highway safety; efficient and effective use of land with the least visual and amenity impacts and appropriate soft landscaping where necessary.

As part of the original covering letter, the agent sought to address these points along with the submission of letters of support by those already using or requiring storage and distribution facilities and a letter from an estate agent highlighting the need for this type of storage and distribution use. Reference is made to the affordability of

units, however this is not a material planning consideration per se although it does highlight the need for different types of storage and distribution accommodation under the umbrella of the use itself. The agent in support further notes the requirements for low-cost commercial premises using submitted planning applications to support their argument. Reference is also made to the Employment Land Study and addendum which notes a modest growth in this sector, and provision made within the IDP.

Provision to allow storage and distribution uses is contained within the IDP and this is evident primarily through Policy GP16(A) which allows limited opportunities for some uses Outside of the Centres. Storage and distribution is one of these limited uses provided for and whilst there are caveats on how this can happen, it does demonstrate that there was, at the time of approval of the IDP a recognised need for this use outside of the Main Centres. The subsequent Employment Land Study shows that this limited need remains and although carrying out works without planning permission is not condoned, the existing partial use of the site for storage and distribution does reflect a demand for such accommodation.

In relation to the impacts on visual and neighbour amenity the former will be assessed in more detail below along with highway safety implications. Consultation with Environmental Health was carried out as part of the application process and several suggested conditions relating to hours for vehicle movements and deliveries have been suggested. The application of these conditions along with the relationship of the site to the neighbouring residential properties will ensure that there is no significant impact on neighbour amenity. Consideration has also been given to the current authorised and unrestricted use of the site which could also result in neighbour issues.

The application would thus accord with Policy OC3.

Impact on visual amenity

Although the tunnels have some impact on the character and appearance of the area given their size and relationship to the road which means they can in part be seen from outside of the site, the tunnels have been in situ for 30+ years. As such the limited impact on visual amenity from these is long established and accepted. There are no proposed external changes or alterations to the tunnels to result in additional impact on visual amenity. As part of the Environmental Health consultation response it has been requested that a condition is attached relating to no outside storage, the application of this condition will help ensure that impacts on visual amenity arising from storage outside the tunnels is avoided.

Traffic impacts

The application site is accessed off Rue Du Preel off an unmade track. As the site has previously served a horticultural use the track is suitable for, in terms of width, agricultural or heavy type vehicles. The site as a current horticultural/agricultural use

has unrestricted and unmanaged access by vehicles for this purpose and as such, it is not considered that the use for storage and distribution will have any further significant impacts on the surrounding road network. Whilst it is noted that larger vehicles may still be used to access these units, this will not cause a significant difference or intensification.

For this reason, it is not considered that there are any highway safety grounds on which to oppose this application.

Conclusion

The application has been carefully assessed given the uniqueness of this particular case in respect to design, construction, size, materials, original use and planning history and it is deemed that given all these factors, the conversion of the Poly Tunnels could be assessed against Policy GP16(A) as well the other listed policies.

Following assessment of the relevant issues, the application is considered on balance to accord with Policies OC5(A): Agriculture Outside the Centres – Within the Agriculture Priority Areas; OC6: Horticulture Outside the Centres; OC3: Offices, Industry and Storage and Distribution Outside the Centres; GP1: Landscape Character and Open Land; GP8: Design; GP16(A): Conversion of redundant buildings and IP9: Highway safety, Accessibility and Capacity. The application is therefore recommended for approval.

Date: 13th January 2026

