

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: Install replacement kiosk to north of car park.

LOCATION: L'Ancrese Common Car Park, Les Clotures Road, Vale.

APPLICANT: Mr A Hallett

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: 11/05/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Kiosk floor plans, photograph of kiosk exterior.

Application Ref: FULL/2026/0232

Property Ref: C018680000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect

unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The kiosk shall only be operational between 10:00 hours to 17:00 hours on any day, including weekends and bank holidays.

Reason - To clearly define the permission, and to respect the rural character and appearance of the surrounding area, and the amenities of neighbouring residents. Operating the mobile food outlet on this site otherwise than in accordance with these limited provisions is not permitted, and would require a separate grant of planning permission to vary such terms.

Expiry Date: This permission will cease to have effect on 10/05/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

For the avoidance of doubt, this permission is for the replacement kiosk only. No permission is granted for external seating or storage within the car park, as this would fall outside of the application site as shown on the hereby approved Block Layout Plan and therefore is likely to require a separate grant of planning permission.

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/2026/0232
Property Ref: C018680000
Valid date: 16/02/2026
Location: L'Ancrese Common Car Park Les Clotures Road Vale
Guernsey
Proposal: Install replacement kiosk to north of car park.
Applicant: Mr A Hallett

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. The kiosk shall only be operational between 10:00 hours to 17:00 hours on any day, including weekends and bank holidays.

Reason - To clearly define the permission, and to respect the rural character and appearance of the surrounding area, and the amenities of neighbouring residents. Operating the mobile food outlet on this site otherwise than in accordance with these limited provisions is not permitted, and would require a separate grant of planning permission to vary such terms.

INFORMATIVES

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

For the avoidance of doubt, this permission is for the replacement kiosk only. No permission is granted for external seating or storage within the car park, as this would fall outside of the application site as shown on the hereby approved Block Layout Plan and therefore is likely to require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site consists of L'Ancrese Common car park located to the north of Les Mielles Road, and adjoins an unnamed road to the east. It is understood that the site is owned by Vale Commons Council in which the applicant has received the owner's consent for submitting the application.

To the north of the car park lies a white kiosk that has been in situ, and operated from the site for a number of years. It is understood that a number of kiosks have operated from the same position, towards the north east corner of the car park, for over circa 30 years (based on aerial photographs).

The application site is located within a Site of Special Significance (SSS) and is Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Reference No	Description	Decision	Date
FULL/2016/2140	Retain mobile kiosk on site for a further temporary period.	Granted	2016

FULL/2013/2852	Variation of conditions 2 and 3 (FULL/2012/2924) to site mobile kiosk on a temporary basis.	Granted	2013
FULL/2012/2924	Site mobile kiosk from 1st March 2013 to 31st October 2013, and at weekends and bank holidays and school holidays from 31st October 2013 to 28th February 2014.	Granted	2012
FULL/2011/3020	Site mobile kiosk from 1st March 2012 to 31st October 2012, and at weekends and bank holidays and school holidays from 31st October 2012 to 28th February 2013.	Granted	2011
FULL/2010/3000	Site mobile kiosk from 1st March 2011 to 31st October 2011, and at weekends and bank holidays from 31st October 2011 to 29th February 2012	Granted	2010

A number of previous temporary permissions were granted before 2010, including PAPP/2004/0965.

Existing Use(s):

Public car park.

Brief Description of Development:

Planning permission is sought to install a replacement kiosk to the north of L'Ancrese Common car park. The mobile kiosk is for the sale of food to the general public. The application has been submitted on the basis that the kiosk will remain on the site on a permanent basis.

The applicant has noted in their supporting correspondence that:

- The existing trailer is approximately 7'x 17' including tow hitch, the new trailer is 20' x 8' (2.5m width x 6m length).
- There would be no air handling or air conditioning equipment.
- The proposed new kiosk would be finished in white plastic, and attached to a metal frame.
- The kiosk would not be fixed to the ground.
- The kiosk would be put on blocks and not on a solid concrete foundation. No trees or grass would be affected.
- The business hours would not be affected.
- The proposal is supported by Vale Commons Council.

The application was deferred as further information was requested in order to understand the proposal in more detail, as well as highlighting some concerns with regards to its effect on the landscape character and visual amenity of the area due to its design.

In response, the applicant has reduced the size of the kiosk (2.5m width x 5m length x 2.5m high), and has adopted a timber cladded kiosk, in attempt to overcome the concerns raised. The applicant also has also submitted the following information to clarify the proposal:

- The proposed opening hours of the kiosk would be from 10:00 – 17:00 daily, in the summer months. In the winter months the hours could be reduced due to adverse weather.
- The kiosk has been operating from the site for a number of years. The existing kiosk has been in situ for over 15 years and needs replacing.
- The height of the kiosk would be 2.5m (as set out in the applicant's e-mail dated 10th April).
- The Vale Commons Council have granted consent to make a planning application and are unanimous in having no objection to this application.
- The justification for requesting a slightly larger kiosk is to house another ice cream machine due to customer demand in the summer months.
- The kiosk will serve ice creams, hot/cold drinks, and hot food.
- The kiosk would be on a permanent basis.
- There is no need for hardstanding as the kiosk will be positioned on concrete blocks.

The applicant has also provided updated block plans and an application form to clarify matters.

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

GP1 Landscape Character and Open Land
GP2 Sites of Special Significance
GP8 Design
GP9 Sustainable Development
GP18 Public Realm and Public Art
IP7 Private and communal parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received representation from 16 parties objecting to the original proposal. Grounds for objection principally relate to the following issues:-

- Procedural Irregularity.
- Material Enlargement of the Existing Structure.
- Intensification and Evolution of Use.
- Impact on Common Land Character.

- Further Information as Concession holder for the Kiosk at L'Ancrese.
- Visual impact from existing kiosk.
- Impact on visual amenity and out of character with the surrounding area of open land.
- Adversely affects trade of L'Ancrese beach kiosk.
- Inappropriate for siting a larger kiosk.
- Additional kiosk van is not required due to existing L'Ancrese beach kiosk. Concerns over two kiosks in the L'Ancrese east area.
- Anything more than the existing ice cream trailer seems unnecessary.
- Siting of kiosk is misleading to visitors.
- Permanent structure built on common land.
- Distraction to motorists.
- No consultation received from the Vale Commons Council in respect of neighbour's views.
- A more permanent structure will completely change the character of the car park which is intended for L'Ancrese common users.
- In recent years, the outlet has allowed chairs to be used in the car park which may be dangerous and unsightly.
- No objection to the current small ice cream van operating on a modest scale.
- Alternative sites should be sought by the applicant. Suggestion to move kiosk overlooking L'Ancrese beach.

The Authority has received 8 representations in respect of the revised proposal, including matters concerning:

- Size of the kiosk.
- The car park is an unsuitable place for people to congregate and eat.
- 'Not a simple replacement'.
- 'Intensification of use'.
- 'Unsuitable access and highway concerns'.
- 'Impact on common land character'.
- 'Precedent and cumulative effect'.
- 'Request to refuse or substantially condition'.
- Impact on the character of the Common.
- Unnecessary facility in this location. Adds little public benefit while causing harm to the setting.
- Traffic and safety issues due to increased customer visits.
- Temporary structure has changed into a permanent trailer.
- Sets an undesirable precedent for temporary structures to become permanent structures across the island's car parks.

Consultations:

Agriculture, Countryside & Land Management Services' comments:

We can confirm that ACLMS have no ownership, land management, or operational interests with regards to this kiosk and the land parcel on which it is sited...the land

parcels (both the car park and grassland) are under the ownership and management of the Vale Commons Council.

Our only comments in this case would therefore revolve around any potential ecological impacts of the proposal. The area being considered is a SSS, so our standard comments would revolve around:

- *All equipment and plant to be cleaned prior to entering the SSS*
- *No materials from the work site to enter the wider SSS area*
- *Any additional materials entering the SSS to be inert and free from organic matter*

But looking at the application, it appears any works involved in the installation of this new kiosk would be minimal, therefore ACLMS would not raise any objections (subject to the comments above).

The Office of Environmental Health and Pollution Regulation's comments:

I have reviewed the proposed plans for replacement of a catering kiosk which were received by email on 16th February.

I do not wish to raise any objections to the proposals.

Summary of Issues:

- Whether the principle replacement of the proposed development is acceptable.
- Whether the replacement structure adopts a good standard of design.
- The impact of the development on the landscape character and appearance of the area.
- The impact of the development on neighbour amenity.

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.

Context:

Since 2004, permission has been granted on a temporary basis for the siting of a mobile kiosk. It is understood that permission has previously been granted for a

limited period of one to three years due to the unsightly and temporary nature of the development, with the view that a more permanent solution would be found.

Since the most recent permission in 2016 (FULL/2016/2140) which expired on 28th February 2020, there has been a material change in circumstances as a result of the adoption of the Island Development Plan (2016) which involves a new policy framework in which to consider this application under.

Minor Departure from Policy OC4:

As set out in Policy OC4, proposals to extend, alter or redevelop existing retail premises Outside of the Centres will generally be supported where:

- a. development is of limited scale to provide for minor alterations to facilitate the continuation of the existing retail use at its current level of operation; or,
- b. the existing convenience retail operation supports the recreational enjoyment of the coastal location; and,
- c. in all cases there would not be an unacceptable adverse impact on the visual character and amenity of the locality.

Given that the permission of the existing kiosk had ceased in 2020, the proposal does not fully meet the requirements of Policy OC4 given that the use of the kiosk is not considered to be an 'existing' retail premises. In light of this, the applicant has made a written request for the application to be considered as a Minor Departure from Policy OC4 noting that the application is for a replacement kiosk in which the proposed kiosk is only slightly different in terms of its size and shape and will make serving a safer internal working environment and more pleasing for the general public.

Overall, given the limited size of the replacement kiosk, its improved design by virtue of the timber cladded exterior, and taking into account the historical context of numerous planning permissions for a similar size kiosk in the same position to the north of the car park which stretches over a 30 year period; it is considered that a Minor Departure from Policy OC4 under Section 12 of The Land Planning and Development (General Provisions) Ordinance, 2007 is reasonable and justified in this particular instance.

Returning to the criteria of Policy OC4, the proposal relates to installing a replacement kiosk, located towards the north of the car park. The applicant has noted that the replacement kiosk is to be installed on a permanent basis, albeit will be larger than the existing kiosk, measuring 2.5m width x 5m length x 2.5m height.

While some concerns are raised over the increase in footprint of the structure and facilities of the proposed kiosk in comparison to the existing kiosk, the level of increase to the floor area and facilities is not considered to be substantially different to reasonably justify refusal. Moreover, the opening hours are longer than that allowed under previous Development Plans, but if controlled through a condition, is

unlikely to warrant sufficient harm to the character of the area or the amenities of neighbouring residents. Consequently, for the purposes of criterion a) of Policy OC4, the replacement structure is considered to facilitate the continuation of the existing kiosk at its current level of operation.

While sited a short distance away from the coastline, the proposal is considered to support the recreational enjoyment of the coast in accordance with criterion b) of Policy OC4.

As set out in application ref: FULL/2016/2140, cars parked by tourists and local residents visiting the common or the surrounding area will help to screen the kiosk. Furthermore, the extent of the built form to the south of the site reduces the visual impact of the kiosk, when viewed from the adjoining open land to the north of the kiosk. Although more importantly, the design of the kiosk has been significantly improved following in light of the amendments secured. The incorporation of a timber clad structure will help to assimilate better into the rural and open landscape when compared to the previously approved white plastic kiosk. Due to the material change in its appearance, coupled with the historical context of approving similar sized structures in this location, it is considered unnecessary and unreasonable to limit the development on a temporary basis, and therefore a permanent permission is appropriate, particularly as the site could be subject to a Certificate of Lawful Use application in attempt to regularise the use of a kiosk on a permanent basis which would be assessed on its own individual merits.

Due to the fact that the car park is excluded from the application site as shown on the Block Layout Plan, a condition to limit any potential proliferation of paraphernalia associated with the business, such as external seating or storage, is not needed given that any siting of such paraphernalia that constitutes development, would automatically require planning permission in which further assessment would be made. An informative to this effect should be attached to the decision.

Overall, the replacement kiosk is likely to result in a slight intensification of use when compared to previous kiosks, although the degree of harm is unlikely to result in unacceptable harm to both the character and appearance of the surrounding area that would justify refusal when taking into account the nature of the works, and subject to appropriate conditions.

Policy GP1:

Policy GP1 (Landscape Character and Open Land) seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area.

The effect of the development on the landscape character and openness is set out above under criterion 'c' of Policy OC4, and is considered acceptable.

Policy GP2:

Policy GP2 (Sites of Special Significance (SSS)) sets out that development in these designated areas will only be permitted where there is no adverse impact on the special interest of the SSS or where an adverse impact can be successfully mitigated.

Given that the proposal will not be fixed to the ground, i.e. does not involve foundations or require excavations, the proposal is unlikely to have a negative effect on the SSS.

The application has been screened and does not constitute EIA development due to the limited impact on the SSS.

Policy GP8:

GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design, taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

Due to the amendments made to the scheme, the replacement structure achieves a 'good' standard of design for the purposes of Policy GP8 and would not cause unacceptable harm. Given the type of proposal i.e. the installation of a replacement kiosk, together with its historical context, it would be unnecessary, unreasonable and irrelevant to attach conditions to ensure that all equipment and plant must be cleaned prior to entering the SSS, no materials from the work site to enter the wider SSS area, and that any additional materials entering the SSS to be inert and free from organic matter in light of ACLMS' comments.

Policy IP9:

Despite its siting near a public road, the proposal is unlikely to result in highway safety or traffic management issues when compared to the existing arrangement.

Other issues:

The representations regarding the impact on the trade and business of the neighbouring kiosk are not material planning considerations which can be considered as part of the application.

In light of all the above, it is recommended that planning permission is granted for this proposal.

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.

All representations have been taken into account and where relevant, have been discussed above. For the avoidance of doubt, competition between other retail outlets is not a material planning consideration and therefore cannot be taken into account.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or buildings.

The effect of the development on the SSS has been set out above.

Date: 11/05/26