

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: Demolish existing building and erect agricultural building (Use Class 28) to west boundary and installation of solar panels to the roof of the building.

LOCATION: Land at, Rue De La Villiaze, Forest.

APPLICANT: Mr A Birrell

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: 02/07/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/04/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6634/A/1 and email dated 13/05/2026

Application Ref: FULL/2026/0657

Property Ref: H001310000

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.(i) No development shall commence on the site shaded green on drawing 6634/A/1 (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

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

and unless otherwise agreed in writing by the Authority,

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

and, unless otherwise agreed in writing by the Authority,

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

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

the Authority in advance of implementation).

Unless otherwise agreed in writing by the Authority such verification shall comprise:

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

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - The submission does not clearly specify the material or finished colour/appearance. Details are required in the interests of visual amenities.

6. The building hereby approved shall be used only for the purposes set out in the application, as detailed in the email of 13/05/2026. Within six months of the date when use of the building for the storage of machinery and produce etc. as set out in the email of 13/05/2026 ceases, or such other period previously agreed in writing by the Authority, the building hereby permitted and any associated surfacing shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the building has been granted only on the basis that it is required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

7. Prior to the commencement of work on the erection of the agricultural building hereby approved a landscaping scheme, to include full details of hedge planting to the west of the approved building adjacent to the roadside boundary, incorporating planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - In order to help assimilate the development into its surroundings.

8. 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 use of the approved agricultural building 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 - To help assimilate the development into its surroundings.

9. Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, have been submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details and shall be made operational prior to the first use of the building for its approved purpose (as per email dated 13/05/2026) and shall thereafter be retained as such.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 01/07/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

With reference to condition 4 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

It is strongly suggested that consideration be given to the potential contamination of the area of the site proposed for growing consumable products. Where products are produced for consumption as part of a food business (including hedge veg stalls) the products must be safe to consume and the food business operator will need to

demonstrate that this is the case as part of the operational procedures.

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/2026/0657
Property Ref: H001310000
Valid date: 17/04/2026
Location: Land at Rue De La Villiaze Forest Guernsey GY8 0HJ
Proposal: Demolish existing building and erect agricultural building (Use Class 28) to west boundary and installation of solar panels to the roof of the building.

Applicant: Mr A Birrell

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.

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Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - The submission does not clearly specify the material or finished colour/appearance. Details are required in the interests of visual amenities.

6. The building hereby approved shall be used only for the purposes set out in the application, as detailed in the email of 13/05/2026. Within six months of the date when use of the building for the storage of machinery and produce etc. as set out in

the email of 13/05/2026 ceases, or such other period previously agreed in writing by the Authority, the building hereby permitted and any associated surfacing shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the building has been granted only on the basis that it is required in association with the agricultural/horticultural use of the land. There is no justification to retain the building if there is no longer any agricultural/horticultural use of the land.

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Reason - In the interests of sustainable development.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting/nesting and measures may therefore need to be taken (including

consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

It is strongly suggested that consideration be given to the potential contamination of the area of the site proposed for growing consumable products. Where products are produced for consumption as part of a food business (including hedge veg stalls) the products must be safe to consume and the food business operator will need to demonstrate that this is the case as part of the operational procedures.

OFFICER'S REPORT

Site Description:

The site is an area of agricultural land situated to the east of Rue De La Villiaze with access on the corner of this and New Road. There is further open land to the south in Chasse Des Galliennes, to the east behind the frontage residential properties in La Rue De L'Épinel and south of the Mallard complex to the north, with outline consent for residential development. There are further swathes of agricultural land in the vicinity of the application site with scattered residential development and the defined Local Centre of Forest (north).

The existing building is a single-storey structure with a rendered finish and profile sheet (possibly asbestos) roof with windows/pedestrian door to the east and west elevations, large access doors to the south elevation and a glazed gable to the north elevation. There is glazing to either side of the apex of the roof. Internally the building has a concrete floor and blockwork walls some empty shelves/racking, the building was vacant at the time of the officer site visit.

The site is located Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan

Relevant History:

No relevant planning history pertaining to this application.

Substantial areas of glass were present on land to the south and east of the building until the 2016 aerial photograph but cleared by 2019.

Glasshouses to the east of the building were present in the 1938 map with additions (and the building that is the subject of this application) present in 1979. These were cleared between the 1996 and 2001 aerial photographs.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing agricultural building and the erection of a new agricultural building in connection with forming a working orchard on the land. The building proposed is a steel structure (8m x 16m standard size) with insulated roof and wall panels produced by Kingspan or similar. Solar panels are proposed to the east and west roofslopes. Screen planting is proposed to the west of the building and adjacent to the road.

The submission notes that the original building was part of La Villiaize Vinery and the building provided space to store seeds (until 2019) prior to them being packed for distribution off island and associated storage of farm equipment/machinery.

The site location plan confirms that land to the east of the building and to its south fall within the ownership and control of the applicant in this case. An orchard is proposed to be planted on the land east of the building whilst the land to the south is described as “to be farmed”.

The application was deferred in order to seek further information regarding the nature of storage to be undertaken and why the existing building could not be used for that purpose. The agent has provided further information with support of local businesses/experts. This letter has confirmed that the client is focussed on observing and investing in the functional capacity of the land in support of nature, habitat and best practice in land management with a desire to establish a fruit and nut orchard (c. 1.5 acres) to contribute to the local food sector along with an acre of pasture for grazing/agricultural use. Over 100m of diverse and native hedge plants have already been introduced on the site with further planting planned. The orchards will be managed on a personal small holding basis.

The existing packing shed has undergone a recent asbestos survey which was positive, and the building is also showing a number of structural issues which has ultimately led to a plan to replace the building rather than restore it as the new structure will better serve the purpose of the applicant with greater operational duration.

Further information followed setting out that the building will be used for tree planting and trellis equipment, various tractors and mowers, sprayers, mulch and fertiliser spreader attachments, pruning equipment, transport/harvesting equipment, fruit storage (boxes) and a forklift.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development

Representations:

La Societe Guerneslaise – In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing building, in particular the roofspace, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would further recommend that appropriate provision for roosting bats and certain species of nesting birds be incorporated into the development.

We would request that, if this application is considered further, both the bat survey and requirement for wildlife provisions are covered by an appropriate planning condition.

If an informative note is used instead, we would request the following wording -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We require the site to be inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to

ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Consultations:

Airside Operations Manager, Guernsey and Alderney Airports –I'm pleased that I have now received input from the airlines, the airport team, and the Airport Director.

The application raised discussion points not in relation to the size or height of the building, but due to the proposed installation of 40 photovoltaic solar panels on the east- and west-facing roof. The site is approximately 870 metres south of the runway centreline and aligned north–south.

We considered the potential for glint and glare affecting aircraft during approach and departure at this distance. The airline has confirmed there are no immediate concerns, although they noted that a formal assessment would be required to provide certainty.

Following internal discussion, we are content to support the application subject to the following condition:

Condition: The Airport reserves the right, should any safety reports arise relating to glint and glare from the photovoltaic panels, to require mitigation. This may include a professional glint and glare assessment at the applicant's cost and, if necessary, the reorientation or removal of the panels.

Clarification was provided:

As the proposal is not aligned with the airport approach paths, we would not be in a position to object or require a Glint and Glare Assessment.

The original condition was intended as a precautionary, worst-case measure, allowing mitigation to be required should any safety concerns arise. As you have confirmed the proposal does not meet the threshold for such a condition, we accept that it would not be appropriate in this case.

The Office of Environmental Health and Pollution Regulation – There are concerns that I must raise and these are as detailed below:

Potentially contaminated land

Given the historic use of the site and the former glass house coverage of the site (noting that the glass houses have subsequently been removed) and the fact that the proposed building is larger in footprint than the existing, meaning there will be breaking of ground I feel I have no other option than to recommend a full phased contaminated land condition is attached to the consent.

Whilst not forming part of the application I would strongly suggest that consideration be given to the potential contamination of the area of the site proposed for growing consumable products. Where products are produced for consumption as part of a food business (including hedge veg stalls) the products must be safe to consume and the food business operator will need to demonstrate that this is the case as part of the operational procedures.

Solar Panels

I do not have any objection to the installation of the proposed solar panels, however I have not considered the potential impact on aircraft.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its impact on the character and appearance of the locality.

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.

Policy OC5(A) relates to proposals for development relating to the agricultural use of an existing farmstead or agricultural holding or a purpose ancillary and incidental to the existing principal agricultural use. The policy offers support for development where there are no other buildings or structures on the farmstead/holding that could (with or without adaptation) be used for the purposes proposed.

The submission has provided supporting information relating to the construction of a replacement building given the condition and materials of the existing structure. The site is not part of a wider agricultural holding when considering the matter of other existing buildings. The storage/use of the building proposed would be for a purpose ancillary to the principal (proposed) agricultural use (orchard), and sufficient evidence has been provided to demonstrate such use will be forthcoming. In this regard Policy OC5(A) is met.

Policy GP1

The proposed development is considered proportionate to the agricultural use of the site. The proposed structure is functional in its design and appearance but this is also the case for the existing building on the site and as such it is considered to represent a good standard of design that will respect the open landscape concerned as details of the final finish and colour can be managed by condition. The building is not

situated in close proximity to any neighbouring property when considering the matter of amenity (overlooking/overshadowing). Subject to details relating to boundary planting the soft landscaping proposed can be controlled to ensure that it reinforces the local character and offers mitigation for the impact of the development and so the scheme complies with Policy GP8.

Although the building position will be visible from the highway it is situated in the area of an existing structure on the site (thereby representing efficient/effective use of land in line with GP8), is close to the highway access and using the existing area of developed land/hardstanding will not impact on the agricultural use of the wider field within the Agriculture Priority Area. The proposed building will be larger (longer and wider but not taller) than the existing structure, but the scheme also proposes screen planting. The building is visible when travelling south along Rue de la Villiaze and east along New Road. The high boundary bank/hedge to the east of Chasse des Galliennes would screen the building from view as would much of the boundary treatment to the north of Rue De L'Épinel to the south, with the exception of the vehicular accessway in the southeastern corner. Given the existing development on the site the increased impact of the building is not so significant to warrant the refusal of permission.

The nature and scale of development proposed, combined with its positioning, will not undermine the commercial function of the Agriculture Priority Area or the future function of this field for agricultural purposes.

The development may alter outlook from nearby properties on the corner of New Road and Rue De La Villiaze but will not generate overlooking or loss of privacy to these nearby properties which are currently screened from the road by a wall/hedge.

Other matters

Policy GP17 specifies that development with the potential to cause or increase risks to public health or safety should include an assessment of the risk of harm and measures to satisfactorily address the risks arising. If a proposal would result in an unacceptable level of risk it will not be supported. The application has not specifically sought to address Policy GP17 which is relevant in this case due to the proximity of the site to the airport however the Airport have provided comments in this case.

The recommended condition would not meet the tests for imposing a planning condition as the issue of glint and glare could influence whether that aspect of the development is acceptable. Mitigation measures could potentially be managed by condition but that could not be left open ended as the condition indicates but would need to be implemented, using recommendations from a glint and glare study, and within a specified timeframe (to be retained for the duration of the time the solar panels are in situ). The Airport has confirmed that the position of the proposed building, away from the direct airport approach paths and so there is no reasonable requirement for the condition in this case.

The Office of Environmental Health and Pollution Regulation have also commented on the application, highlighting the matter of contaminated land given that this is a former glasshouse site and the footprint of the proposed building with associated breaking of ground. If there are contaminants in the immediate area of the existing buildings these would be below the proposed building and would not, therefore, limit the potential effect to public safety.

The recommendations of OEHPR must however, be taken into account and the condition relating to the remediation of contamination is recommended in this case and this would relate to the application building and associated orchard (building shown red and application site shaded green).

It is acknowledged that this is an unrestricted agricultural site where growing can and is undertaken at present. Nonetheless, based on the advice of Environmental Health it would not be appropriate to impose a condition on only the part of the site identified for built development (hardstanding and building) as this would not discharge the statutory duties and responsibilities of the Planning Service, in consultation with Environmental Health to have regard for public health. The imposing of the recommended condition would not demonstrate the presence of contaminants in all areas of the site but seeks to ensure that further investigation is undertaken in relation to this which may confirm that there are not contaminants present. This is a matter that can be managed by the multi-stage planning condition recommended by Environmental Health. The condition will only require further investigation and mitigation if contamination is found to be present through that initial Desktop Study.

The comments from La Societe regarding bats and birds are also noted and an informative note can be imposed in this case.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. The inclusion of the solar panels addresses the States approved Electricity Strategy for Guernsey (2023) and the more recent direction of the DPA to require the maximum practical provision of roof-mounted solar PV within all new commercial developments, of whatever scale in accordance with GP9 and the wider States aims.

Conclusions

In view of the above it is recommended planning permission is granted for the development proposed. The use of the buildings should be conditioned to be for purposes ancillary to the agricultural use of the land, not for any other purpose and a condition should require the building to be removed when it is no longer required for its intended purpose.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 30/06/2026

