

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: Erect outbuilding and stables to south-east boundary and install post and rail fencing and gates.

LOCATION: Courtil Jardin, Route De L'Eglise, Castel.

APPLICANT: Mrs Dallamore

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: 12/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 5976/S/1.

Application Ref: FULL/2021/2173

Property Ref: D006890000 + D007610000

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 stables and outbuilding hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Courtil Jardin and shall not be used in connection with any livery, schooling or business.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

5.No development shall begin on site until details of the:

- a) proposed location, method of manure storage (covered or open) and disposal (to where and frequency); and
 - b) any hardstanding associated with the outbuilding and stables
- have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed hardsurfacing and manure storage/disposal. This condition is imposed to make sure that the storage of manure and hardsurfacing does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

Expiry Date: This permission will cease to have effect on 11/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the trees along the roadside boundary with Rue Piette appear to form part of a hedge boundary and their removal would require planning permission. It is recommended therefore, that you seek advice from the Planning Service prior to the removal of any trees along the roadside boundary.

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/2021/2173
Property Ref: D006890000 + D007610000
Valid date: 29/09/2021
Location: Courtil Jardin Route De L'Eglise Castel Guernsey
Proposal: Erect outbuilding and stables to south-east boundary and install post and rail fencing and gates.

Applicant: Mrs Dallamore

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 stables and outbuilding hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Courtil Jardin and shall not be used in connection with any livery, schooling or business.

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5. No development shall begin on site until details of the:

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b) any hardstanding associated with the outbuilding and stables

have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed hardsurfacing and manure storage/disposal. This condition is imposed to make sure that the storage of manure and hardsurfacing does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

INFORMATIVES

Please note that the trees along the roadside boundary with Rue Piette appear to form part of a hedge boundary and their removal would require planning permission. It is recommended therefore, that you seek advice from the Planning Service prior to the removal of any trees along the roadside boundary.

OFFICER'S REPORT

Site Description:

Courtil Jardin, Route De L'Eglise is a detached dwelling with garden to the south.

The site and dwelling are situated Outside of the Centres as designated in the Island Development Plan (IDP). The dwelling only is located within a Conservation Area as designated in the IDP.

Relevant History:

FULL/2019/2374 – change of use of agricultural land to domestic garden - granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a timber outbuilding and a separate three bay stable block adjacent to the east site boundary with Rue Piette along with the erection of a post and rail fence around the entire perimeter of the site and two sets of double gates within the site.

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

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted and raises the following points:

- The application does not clearly set out what the building could be used for – concerns exist that this is part of creeping development – a steppingstone towards housing
 - Is there a way to prevent this?
 - Is it possible to find out what it will be used for?
- It seems unusual to apply for permission for the land to be domestic garden which was presumably granted because it was unsuitable for agricultural purposes
- Concerns exist regarding an increase in traffic using the access point
 - The site is located in a busy stretch of road, which is dangerous for existing house to access and anything exiting the field relies on cars stopping to let them out and creeping out with limited visibility and with cars blocking views
 - Visibility from the access could be improved by removing roadside trees and hedges but this would impact on the character of the area – a Tree Protection Order should be considered for this site
- The site borders Agriculture Priority Area land and all the land to the west is APA land which creates a rural aspect to the area
- Keeping horses on the land might generate smells – the site is flanked on two sides by houses

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the outbuilding and stables and their likely effect on the character and amenity 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.

The proposed buildings have been designed with a timber clad exterior and shallow pitched roof. Although concerns have been raised through the public consultation process regarding the use of the proposed outbuilding as a timber shed/store with the domestic garden of Courtil Jardin it may be used for any number of uses that are incidental to the enjoyment of the dwellinghouse such as garden storage, feed store, craft room, home office etc. The development is considered to be proportionate to the use of the land owned by the applicant for animal grazing, with associated feed storage etc. The design and appearance of the buildings, fence and gates are such that they represents a good standard of design that respects both the local built environment and open landscape concerned being largely screened from view by the roadside hedge, trees and other landscaping.

The application does not include details of any hardstanding around the proposed buildings, such as a hardsurfaced area outside the stable for tending to horses and ease of maintenance. In order to ensure that the extent of any hardsurfacing is proportionate to the use of the stables and in the interests of the character and appearance of the locality it is recommended a condition is imposed regarding such works.

The buildings proposed are shown to be low in height, with a shallow pitched roof and will be situated away from residential neighbours. The buildings will not result in overshadowing or loss of light to adjoining residential neighbours and nor will it result in overlooking and loss of privacy. The proposed stable and outbuilding therefore accord with the aims of Policies GP8, GP9 and GP13 of the Island Development Plan

The proposed development will not result in the loss of any landscape features that contribute to the wider landscape character and as the buildings will be situated

adjacent to the site boundary, within the currently well screened garden areas of Courtil Jardin, will not appear unduly prominent or out of keeping in the landscape, a field with residential development to the north, south and east (across Rue Piette). The proposal would satisfy the provisions of Policy GP1.

Reservations have been raised through the public consultation process regarding nuisance arising from grazing on the land. Regardless of the use, the proximity of livestock to domestic gardens would not alter because, prior to the 2019 application for the change of use of land, the agricultural land could have been used for grazing. The grazing of horses or other animals on the site does not represent a material change of use, whether the land is recognised as agricultural or domestic for planning purposes. Although the grazing of horses on the land and associated waste management cannot be controlled by the Planning Service it would be reasonable and appropriate to impose a planning condition regarding the location, method (open or covered) and management of manure storage and disposal generated on site given the proposal to erect a number of stables on the site. Such a condition would seek to mitigate the potential impact of manure generation and storage associated with the of the stabling of horses on the site. Furthermore, potential issues relating to odour and nuisance from the use would need to be addressed through Public Health legislation by contacting the Office of Environmental Health and Pollution Regulation.

Concerns have been raised through the course of the application regarding future development of this site and the need to introduce a Tree Protection Order for site. When considering trees for protection the Authority must be able to demonstrate that those trees contribute to public amenity (if their removal would have a significant impact on the local environment and its enjoyment by the public) and also that it is expedient to protect those trees. In this case it is unlikely that the trees along the roadside boundary with Rue Piette make such a contribution to the landscape character and visual enhancement of the area that they would be required to be retained. In terms of future development, the Planning Service must consider the application presented against the policies in place at the time. Any future application would need to be assessed at that time against the Development Plan in place. The consideration of this application cannot be influenced by an unknown future proposal.

Concerns have also been expressed through the public consultation process regarding the highway impacts of the proposed development. As agricultural land the existing access could have been used by large, heavy machinery accessing the land to manage the land and crops or to move livestock to and from the site and to tend to their needs. The proposal relates to the erection of three stables which would be used for private purposes only and as such, vehicle movements associated with this would be infrequent and would not generate significant concerns regarding highway safety. The impact on highway safety in terms of vehicle movements is likely to be further limited because the owner of the site lives close by. Furthermore, the gates shown to be provided to secure the site for livestock have been positioned well

back from the highway to enable vehicles accessing the site to pull off the road which will ensure that the development does not impede the free flow of traffic.

In view of the above it is recommended planning permission is granted for the proposed development.

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: 12 November 2021