

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 agricultural land to domestic garden (2,574 sqm) and erect stable to south boundary.

LOCATION: Les Courtes De Haut, La Miellette Lane, Vale.

APPLICANT: Mr & Mrs G Le Tissier

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: 16/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd drawing no. 6217/A/1 and letter dated 16/03/2022

Application Ref: FULL/2021/2580

Property Ref: C000300000 + C000290000

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.Prior to the change of use of agricultural land to domestic garden being implemented in accordance with this permission a landscaping scheme, based on the biodiversity information submitted in the letter dated 16/03/2022, and to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to enhance biodiversity across the site having regard to the Strategy for Nature Supplementary Planning Guidance.

5.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 change of use of the land, 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to enhance biodiversity across the site having regard to the Strategy for Nature Supplementary Planning Guidance.

6.Prior to the commencement of any work in connection with the erection of the stable building on the site details of new hardsurfacing associated with the stable building shall be 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 full details of the proposed hardstanding to serve the stable building. This condition is imposed to make sure that the development, on agricultural land, does not have any adverse impact on the character of the area.

7.The stables hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Les Courtes de Haut and shall not be used in connection with any livery or business.

Reason - To define the permission for the avoidance of any doubt, to protect the reasonable amenities of neighbouring residents and because a business or trade operating from the site would require different policy considerations.

8.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the west boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

9.Prior to the commencement of any work in connection with the erection of the stable building details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) shall be 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 manure storage/disposal. This condition is imposed to make sure that the storage of manure and 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 15/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please ensure that you notify the Planning Service in writing of the date on which the change of use of agricultural land to domestic garden takes place. Once the change has been made the land will be classified as shown above, as domestic garden. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the site.

The scaffold structure/shelter at Les Courtes De Haut does benefit from planning permission and is therefore unauthorised development. This should be removed as soon as possible otherwise the matter may be referred to Planning Enforcement for investigation and further action.

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/2021/2580
Property Ref: C000300000 + C000290000
Valid date: 13/12/2021
Location: Les Courtes De Haut La Miellette Lane Vale Guernsey GY3
5EW
Proposal: Change of use from agricultural land to domestic garden
(2,574 sqm) and erect stable to south boundary.

Applicant: Mr & Mrs G Le Tissier

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. Prior to the change of use of agricultural land to domestic garden being implemented in accordance with this permission a landscaping scheme, based on the biodiversity information submitted in the letter dated 16/03/2022, and to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to enhance biodiversity across the site having regard to the Strategy for Nature Supplementary Planning Guidance.

5. 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 change of use of the land, 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to enhance biodiversity across the site having regard to the Strategy for Nature Supplementary Planning Guidance.

6. Prior to the commencement of any work in connection with the erection of the stable building on the site details of new hardsurfacing associated with the stable building shall be 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 full details of the proposed hardstanding to serve the stable building. This condition is imposed to make sure that the development, on agricultural land, does not have any adverse impact on the character of the area.

7. The stables hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Les Courtes de Haut and shall not be used in connection with any livery or business.

Reason - To define the permission for the avoidance of any doubt, to protect the reasonable amenities of neighbouring residents and because a business or trade operating from the site would require different policy considerations.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that

Ordinance), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the west boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

9. Prior to the commencement of any work in connection with the erection of the stable building details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) shall be 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 manure storage/disposal. This condition is imposed to make sure that the storage of manure and does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

INFORMATIVES

Please ensure that you notify the Planning Service in writing of the date on which the change of use of agricultural land to domestic garden takes place. Once the change has been made the land will be classified as shown above, as domestic garden. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the site.

The scaffold structure/shelter at Les Courtes De Haut does benefit from planning permission and is therefore unauthorised development. This should be removed as soon as possible otherwise the matter may be referred to Planning Enforcement for investigation and further action.

OFFICER'S REPORT

Site Description:

Les Courtes de Haut is a detached dwelling accessed via a sloping drive from La Miellette. The land that is the subject of the application is situated to the west of the dwelling accessed via a gate to the north of the dwelling in a boundary marked, in part, by a wall and trees. The boundary between the house and field is marked by a picket fence and hedge. The north field boundary with Rue Des Chapelles is marked by a bank and field access with timber gate. The West field boundary by a bank with

trees also providing access to the adjoining land to the west. The remains of a shed exist to the south of the site but this is substantially covered by overgrowth. Views towards Beaucette Marina are possible across the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None relevant.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to domestic garden and the erection of a low, pitched roof barn building with timber clad exterior which will contain six stables. The application has been accompanied by a letter that seeks to address the principle of the change of use of land to domestic garden and standard information from the agent regarding suggested biodiversity planting for hedges, banks, walkways, under/gap fill and domestic gardens.

Following the deferral of the application, a letter has been submitted by the planning agent which seeks to address matters relating to biodiversity following a site visit with La Societe Guernesiaise. The letter sets out that a site plan showing the full extent of planting cannot be provided because this will change subject to knowing what is already within the banks (during the spring and summer) and sets out that a recommendation by the Planning Service in a short timescale may enable the applicant to source plants for this season but also specifies that time is tight.

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

Island Development Plan policies:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage

Representations:

La Societe Guernesiaise – oppose the application in order to safeguard the bock of small fields within the wider landscape.

La Societe Guernesiaise is concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits such applications, La Societe Guernesiaise seek to optimize ecological gains in such cases wherever possible. It is noted that the applicant has not provided measures to enhance biodiversity as part of this application as required by the Planning Service and it is highly likely that, if approved, this development would lead to a loss of biodiversity across the site through higher grazing pressure from horses. This would not meet the requirements of the local Strategy for Nature.

La Societe does not routinely oppose the construction of suitable agricultural buildings in suitable locations (although we do not agree with horses being considered as livestock or the grazing thereof to be agricultural use). La Societe Guernesiaise would suggest the following -

1. The proposals exceed the perceived need.
2. The site, on land currently designated as agricultural, is inappropriate.
3. Alternative sites exist within the landowner's current domestic curtilage.

La Societe also commented on the additional information provided in the letter from the planning agent dated 16 March 2022:

I can confirm that I met the client and architect on site and the letter which outlines the planting proposals is an accurate overview of our discussions. Of course, we would recommend that the proposals be subject to appropriate planning conditions to ensure that the planting is undertaken and that no additional development occurs in the medium to long term.

I would add that the sole reason for the client to apply for the extension to domestic curtilage was to enable the new stable block to be built. With that in mind, it might be acceptable for both the Planning Service and the client if only the upper portion of the field was reclassified as domestic curtilage and the lower portion (which was deemed too seasonally wet for the stable block) remained as agricultural land.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to principle of the change of use of agricultural land to domestic garden and construction of a stable building on the land (either

agricultural land or domestic garden), the design and appearance of the building and its likely effect 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.

Change of Use of Agricultural Land to Domestic Garden

Policy OC5(B) provides support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling, Les Courtes De Haut, and is not located within an Agriculture Priority Area or Area of Biodiversity Importance. The outer boundaries of the site are clearly defined. The agricultural land to the west remains in the same ownership as Les Courtes De Haut and the agricultural land that is the subject of this application. Public roads exist to the south and north of the house and agricultural land in this case. The application does not require any established boundary features to be removed in connection with the change of use of the land because an opening exists in the existing domestic boundary to the land that is the subject of the application. The land is situated adjacent to Rue Des Chapelles with a bank, hedge and trees along the roadside boundary.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

La Societe Guernesiaise has expressed a view that horses should not be considered as livestock or the grazing thereof to be agricultural use. For planning purposes however, grazing horses on agricultural land does not represent a material change of use. Also, although the stable building could be located within the existing domestic garden of Les Courtes De Haut the Planning Service must consider the application proposals presented to them. Only where significant policy concerns exist would it be reasonable and appropriate for the application to be deferred and amendments sought.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential, the proposed change of use would not of itself have an adverse impact on or affect their amenities. The impact of the proposed stables on residential amenity is considered below.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

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. Although the site is undeveloped, given its setting, with established site boundaries the proposal would not undermine the wider landscape character or the openness of the area.

The comments received through the consultation process relating to future development have been noted. Much of the application site is forward of an elevation of the dwelling that fronts a highway and as a result the exemption rights would not apply. The site is visible from the road to the north and the construction of high fences and walls within domestic garden would ordinarily not require planning permission. Given the bank and road to the north a fence or wall more than 90cm high would require planning permission in any event but the west boundary with the adjoining open agricultural land could be affected by such development. Such works to the west boundary could have an unacceptable impact on the landscape character of the area and exemption rights relating to the west boundary should be removed. This will enable a full assessment as part of the consideration of a planning application should the site owners consider such alterations necessary.

The application acknowledges the need for enhanced biodiversity on the site having regard to the Strategy for Nature 2020, and sets out a range of species that will be planted, but does not include a detailed plan illustrating that planting scheme. Given the commitment to biodiversity enhancements offered through the application submission however, this is a matter that can be controlled by planning condition.

The proposed change of use of land accords with the relevant policies in the Island Development Plan.

Erect barn/stables

Having concluded that the change of use of agricultural land to domestic garden is acceptable, Policy GP13 provides general support for householder development.

Concerns have been raised through the public consultation process regarding the size of the building and whether it is excessive for the needs of the applicant. As a domestic outbuilding the Planning Service would not seek to be overly prescriptive in terms of the size of such a building providing such a structure accords with the policy requirements of the Island Development Plan. At the time of the officer site visit, four ponies were grazing the land which would allow for one stable per pony and two stables which may be used to store tack and feed but could be used to stable two further horses or ponies. On that basis the building is considered reasonable to meet the applicant's needs.

The proposed build has been designed with a timber clad exterior and shallow pitched roof. The development is considered to be proportionate to the use of the land owned by the applicant for the keeping and grazing of horses, with potential to accommodate associated feed, storage etc. The design and appearance of the building is such that it represents a good standard of design that respects both the local built environment and open landscape concerned. Furthermore, the building would be situated away from the road, partially screened by the roadside bank and planting, and close to other built development, to be seen in the context of adjoining buildings and boundary landscaping. The building will not result in harm to the character and appearance of the locality.

The stable building is low in height, with a shallow pitched roof and will be situated away from residential neighbours. The building will not result in overshadowing or loss of light to adjoining residential neighbours and nor will it result in overlooking and loss of privacy. In view of the above the scheme meets the aims of Policy GP8.

The Office of Environmental Health and Pollution Regulation have not raised any concerns regarding the proposed stables however, it is reasonable and appropriate to impose a condition relating to the storage and disposal of waste/manure from the site (brought within the control of the Planning Service as a result of the change of use of agricultural land to domestic garden) in order to manage the potential nuisance to surrounding occupiers.

Policy GP1 relates to the Landscape Character and Open Land. The proposed development will not result in the loss of any landscape features that contribute to the wider landscape character and as the building will be situated adjacent to the dwelling and adjoining garden areas, viewed in the context of existing built development, and not prominently situated it will not appear unduly prominent or out of keeping in the open landscape. The proposal would satisfy the provisions of Policy GP1.

It is considered reasonable and necessary to impose a condition setting out that the building is not to be used in connection with any trade or business, including a livery business, to ensure there is no unauthorised change of use and to manage impacts on neighbours.

The application drawings do not show any new hardstanding around the proposed building although notional tracks are shown to the east and west of the building. New hardstanding around the building, within curtilage, would not require permission however if the building is erected on agricultural land there are no exemption rights relation to hardstanding. It is reasonable, for the avoidance of doubt, to impose a condition regarding new hardstanding around the building and to ensure this is proportionate to the development and will not have a detrimental impact on the character of the locality.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended planning permission is granted for the change of use of land and erection of stables proposed. Conditions should be imposed relating to landscaping associated with the change of use of land, exemption rights regarding the west boundary, hardstanding associated with the stable, the storage and disposal of waste and regarding the use of the building. An informative note may be placed on the permission requesting that the applicant notify the Authority of the change of use of land.

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: 16 May 2022

