

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 of an area of domestic land (Residential Use Class 1) for equestrian business (Residential Use Class 5). Erect stable block, hay store, covered field shelter and pool house. Remove section of hedge and install hardstanding.

LOCATION: Sorrento, Les Grands Marais, Vale.

APPLICANT: Mr & Mrs A Cole

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: 18/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Altered Homes Ltd: 21-010 PD 001A & 002
Altered Homes Ltd letter dated 21/12/2021

Application Ref: FULL/2022/0072

Property Ref: C002820000

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 business use hereby approved shall be carried out only in accordance with the Operational Requirements as set out in Altered Homes Ltd letter dated 21/12/2021 and falling within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017 (see notes below).

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5.The manure composting area shall not exceed a size of 3m x 3m and shall be situated in the north-east corner of the site as indicated on Altered Homes Ltd drawing 21-010/PD/001A.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 17/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the decision to grant planning permission is based on the information contained in the Operational Requirements section of the Altered Homes Ltd letter dated 21/12/2021. This indicates that the proposal involves home working and thus falls within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

- (a) storage of hazardous or odorous materials,
- (b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or
- (c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letters may mean that the use no longer falls within Residential use class 5, thus resulting in the need for 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/2022/0072
Property Ref: C002820000
Valid date: 21/01/2022
Location: Sorrento Les Grands Marais Vale Guernsey GY3 5DT
Proposal: Change of use of an area of domestic land (Residential Use Class 1) for equestrian business (Residential Use Class 5). Erect stable block, hay store, covered field shelter and pool house. Remove section of hedge and install hardstanding.

Applicant: Mr & Mrs A Cole

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 business use hereby approved shall be carried out only in accordance with the Operational Requirements as set out in Altered Homes Ltd letter dated 21/12/2021 and falling within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017 (see notes below).

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5. The manure composting area shall not exceed a size of 3m x 3m and shall be situated in the north-east corner of the site as indicated on Altered Homes Ltd drawing 21-010/PD/001A.

Reason - To protect the reasonable amenities of neighbouring residents.

INFORMATIVES

Please note that the decision to grant planning permission is based on the information contained in the Operational Requirements section of the Altered Homes Ltd letter dated 21/12/2021. This indicates that the proposal involves home working and thus falls within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

- (a) storage of hazardous or odorous materials,
- (b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or
- (c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letters may mean that the use no longer falls within Residential use class 5, thus resulting in the need for a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to use an area of domestic land for an equestrian business (Residential Use Class 5). Permission is also sought to remove a section of

hedge and to erect a stable block with 3 stables, a hay store, a covered field shelter, a pool house and to install an area of hardstanding.

The site contains a detached dwelling situated on a substantial plot. The site forms part of a ribbon development of residential properties to the north of Les Grands Marais and is Outside of the Centres.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Consultations:

08/02/2022, The Office of Environmental Health and Pollution Regulation

"I have reviewed the proposed plans for the creation of an equestrian centre at the above address, received in this office by post on 28th January 2022. I have concerns about the potential for odour nuisance to arise from the site and make the following comments:

- 1) I am concerned about the potential for odour nuisance affecting neighbouring properties, particularly from the manure composting area. I would therefore recommend that a condition is attached to any planning consent regarding the location and size of the manure area. The below recommended condition mirrors the location and size indicated for the manure area on the submitted Block Plan and Site Location document, labelled 21-010 PD 001 A:
 - The manure composting area will not exceed a size of 3m x 3m and will be situated in the north-east corner of the site.

I would be grateful if this condition is considered during the determination of this application.

I would also like to offer the following advice:

- 2) I would refer the applicant to the following UK guidance provided by the Department for Environment Food and Rural Affairs: 'Protecting our water, soil and air: A code of Good Agricultural Practice for farmers, growers and land managers', found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

Whilst this is a comprehensive document there are aspects relating to manure management that may be of use.

- 3) We ask that the applicant seeks advice from this office regarding whether a Waste Management Exemption is required for the storage of manure.
- 4) Given this application may have animal welfare implications, I would recommend that the States Veterinary Officer is also consulted on the proposals for this site.

I would be grateful if all of these issues are considered during the determination of this application”.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder Development
Policy GP14: Homes Based Employment

Conclusion/Brief comment:

The entire site is recognised as forming the domestic curtilage of the dwelling Sorrento.

Policy GP14 makes provision for home-based working to enable the operation of small-scale businesses outside of the Main and Local Centres where the principal use of the site will clearly remain residential use by the occupier and the use would not have an adverse impact on neighbouring residents or the surrounding area as a result of increased activity and disturbance. The pre-policy text states that uses that may be acceptable as home-based working typically employ a low number of people, have a low intensity use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings.

The information submitted indicates that the proposed business use would be a small scale, low intensity use and the principle use of the site would remain as a residential dwelling. The agent has confirmed that the business will be operated by the occupier of Sorrento. Although the proposed use does include the storage of

potentially odorous materials in the form of the manure composting area, the small scale of the operation, comprising 3 stables, is similar to how the site could be used on a domestic basis in association with the dwelling. The business use of the site has not significantly increased the scale of the operation beyond what could constitute a domestic use and the proposal can be considered as a home based business under Policy GP14 and provided that the manure composting area would not adversely affect the amenities of neighbouring residents (see assessment below).

The area of the site to be used for the equestrian business is situated to the rear of the dwelling and would not be prominent, if visible at all, from the public highway. By virtue of their siting, single storey nature and modest size, the stable block, hay store, covered field shelter and pool house would have no significant adverse effects on the landscape character and visual amenity of the area, in accordance with Policies GP1 and GP8.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential for odour nuisance affecting neighbouring properties, particularly from the manure composting area and recommend a condition to control the siting and size of the manure composting area. The information submitted regarding the nature and scale of the business use is sufficient to demonstrate that the proposed business use is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

The business use of the site would result in a marginal increase in the use of the access. The highway is classified as a Neighbourhood and Country Road, as set out in the Traffic Engineering Guidelines for Guernsey, where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the low traffic flows along Neighbourhood and Country Roads, the marginal increase in the use of the access is unlikely to result in any significant road safety or traffic management concerns.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 17/02/2022

