

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: Extend and alter existing stables and erect wall and gate (Protected Building).

LOCATION: Le Gardinet, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 07/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2019 03.32, 03.33A, 03.34A, 03.35A, 03.36A & 03.37A.

Application Ref: FULL/2022/1053

Property Ref: D012770000

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 existing stables and those hereby permitted shall be used only by the occupants of the adjacent dwelling Le Gardinet. Any use by a person not residing at Le Gardinet, or in connection with a trade or business, would require a separate grant of planning permission.

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.

Expiry Date: This permission will cease to have effect on 06/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/1053
Property Ref: D012770000
Valid date: 13/06/2022
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Extend and alter existing stables and erect wall and gate (Protected Building).

Applicant: Mr & Mrs J Regnard

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 existing stables and those hereby permitted shall be used only by the occupants of the adjacent dwelling Le Gardinet. Any use by a person not residing at Le Gardinet, or in connection with a trade or business, would require a separate grant of planning permission.

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.

OFFICER'S REPORT

Site Description:

The site consists of a traditional farmhouse, outbuildings of varying age including the stable blocks the subject of this application and an area of agricultural land under the same ownership to the north-east and east. The whole of the house and the barn to the south is a protected building. The stable blocks the subject of this application are not protected.

The site is located Outside of the Centres, the agricultural land to the north-east of the dwelling is within an Agriculture Priority Area.

Relevant History:

05/09/2022 - FULL/2022/0145 – Permission granted to demolish extension and outbuilding and erect 2 storey extension to north (rear) elevation, erect single storey plant room/gym and erect wall and gate to east elevation (Protected Building).

04/05/2021 - FULL/2020/0688 – Permission granted to install private sand school and erect fencing and gates (Retrospective).

05/06/2020 - FULL/2020/0252 – Permission granted to erect canopy on existing stable and outbuilding (retrospective) and erect 2 stable blocks.

25/07/2019 - FULL/2019/0537 – Application refused to extend and convert outbuilding to form a dower unit/ancillary accommodation including demolish and rebuild lean-to extension, replace roof, replace fenestration and internal alterations (partially retrospective), (revised), (Protected Building).

Existing Use(s):

Agricultural use class 28

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to partially demolish, extend and alter existing stables, erect a wall and gate and create an area of hardstanding. The proposal involves extending the existing stable block to the east with a single storey pitched roof U-shaped stable block arranged around a hard surfaced courtyard. The stable block would be finished with a mix of granite, brick and rendered walls. The roof would be finished with a mix of slate and solar tiles. The wall to the west to enclose the courtyard would be constructed in granite and the courtyard and driveway to serve the stables would be finished with permeable block paving. The development results in a total of 8 stables, a feed store, a wash room and 2 tack rooms.

In support of the application, letters from the agent and applicant advises that:

- The application follows permissions for stables in June 2020 and a private sand school in May 2021.
- Since the 2020 stables approval the applicant's have increased their horse ownership from 3 to 6 horses and it is common practice to acquire younger ponies to train alongside.
- The stables are for private use only and not for commercial or third party use.
- The proposed use is the same as approved in 2020 but for 3 additional horses.

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

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy OC9: Leisure and Recreation Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

One letter of objection was received from the neighbouring property to the south-east, main points as follows:

- The size of the proposed development is unacceptably large and will have a detrimental effect on the natural beauty and landscape quality of the locality.
- The scale of the development is not justified by the submitted comments from the agent and applicant. Concerned about the potential to operate a commercial livery business or the future conversion of the stables to another use.
- There is insufficient land to accommodate the proposed number of horses and ponies.

- No management plan is provided to manage the manure that would be produced. Concerned about the siting and use of the general external storage area for manure storage nuisances from smell, flies and vermin.
- The scale of the proposal and use of modern materials detracts from the traditional listed farmhouse.
- Road safety and traffic management concerns from use of narrow lane by additional large animal transporting vehicles.
- The stated use in the proposal is to stable 6 horses or ponies. However, the proposal would enable more than 6 animals to be accommodated.
- Concerned that any adjoining building or storage may affect the structural stability of the neighbouring boundary wall and would restrict ability to maintain the wall.
- The proposal should have sufficient independent drainage so as not to cause flooding or waterlogging to neighbouring properties.
- The property as a whole has been developed piecemeal resulting in a collection of dislocated approvals, over scaling and out of character development.

Consultations:

The Office of Environmental Health and Pollution Regulation, 29/06/2022

"I have reviewed the proposed plans for the provision of additional horse stables which were received by email on 23rd June 2022 and I do not wish to raise any objections to the proposals".

The Office of Environmental Health and Pollution Regulation, 18/07/2022

"We have not received any complaints, and this is a domestic establishment so we are unable to require how they manage the manure at this premises. However, it would be considerate to ensure the manure heap is not located close to property boundaries".

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the proposed equestrian use on agricultural land.
2. The design and visual impact on the landscape character and amenity of the area.
3. The impact on the special interest of the protected building.

Assessment against:

- 1 - Purposes of the law.
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.
- 3 - General material considerations set out in the General Provisions Ordinance.
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The preceding explanation to Policies OC5(A) and OC5(B) states that proposals resulting in the loss of agricultural land will be supported where the new use accords with other relevant policies.

The proposal to extend the existing stables involves an equestrian related activity and falls to be considered as an outdoor formal recreation use under Policy OC9. Policies GP1, GP5, GP8 and GP9 would also be relevant in this instance. Policy OC9 supports the provision of new outdoor formal recreation facilities or to extend, alter or redevelop existing facilities providing that any ancillary built development is proportionate to the nature and scale of the formal outdoor recreational use; the visual impacts can be mitigated to respect the character of the locality; and the site does not fall within an Agricultural Priority Area. In addition, paragraph 18.1.7 of the preceding explanation states that the Authority will support new and the enhancement of existing outdoor formal recreation facilities where development proposals are designed to meet a recognised demand and, in visual and operation terms, are sensitive to the particular landscape character and location concerned.

Information has been submitted which sets out that the stables would be for the personal use of the applicant and their family and would not be for commercial or third party use. The information submitted is sufficient to demonstrate a recognised demand for the facility. The number of stables and overall scale of the development is proportionate to the stated demand for the facility. The proposed stable block is well related to the existing stable block and forms a U-shaped extension to the east which acts to consolidate the built form around the proposed hardstanding courtyard. The extended stable block would be situated behind (north of) a high granite wall and together with its single storey nature it would not form a prominent feature in public views. The design and materials of the proposed stable block respects the agricultural setting. The proposed works achieve a good standard of design and would respect the character of the locality. The proposed stable block would not unduly project into the open and undeveloped land to the north and east and the proposal would have no significant adverse effects on the openness and landscape character of the area. The design and siting of the extended stable block accords with Policies GP1 and GP8.

A section of the extended stable block is located partially within an Agriculture Priority Area. This section of the boundary of the Agriculture Priority Area does not follow any existing or historic physical features but appears to be an arbitrary diagonal line between a hedge to the north-west and a granite wall to the south-east. Based on a series of aerial photographs since 1996, the land the stables would be located on does not appear to have been farmed in association with the adjoining agricultural fields to the east and north. Due to the small area of land involved and the nature of the Agriculture Priority Area boundary in this area, it is concluded that the proposal would not result in the loss of land that could positively contribute to the commercial agricultural use of an Agriculture Priority Area.

The main house and detached barn to the south of the main house is a protected building. The relationship and distance between the main house and the new stable

block would result in the proposal having no adverse effects on the setting of the protected building.

A high granite wall separates the stables from the adjacent neighbouring property to the south-east. The Office of Environmental Health and Pollution Regulation advise that as a domestic establishment they are unable to require how manure is managed although they note that it would be considerate to ensure that the manure heap is not located close to property boundaries. The Office of Environmental Health and Pollution Regulation raise no objections to the proposals. During the course of consideration the application was revised and the proposed manure store has been relocated adjacent to the north-east of the stable block and set back 15 metres from the boundary wall with the adjacent neighbouring property to the south-east. Due to the high boundary wall and the distance between the stable block and the neighbours dwelling, the proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Due to the use of the stable block for the personal use of the applicant and their family and not for commercial or third party use, the likely infrequent use of large animal transporting vehicles is unlikely to result in any significant road safety or traffic management concerns.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

The comments in the representation regarding the impact on the structural stability of the neighbouring boundary wall and the ability to maintain the wall are not material planning considerations. Drainage will be required to comply with Building Regulations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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.

The proposal accords with Policies OC5(A), OC5(B), OC9, GP1, GP5, GP8 and GP9 and it is recommended that the application is approved. To manage the impacts set out above, it is however recommended that the extended stables be conditioned to be personal to the applicant. The existing stables is already subject to such a condition, and this can be reiterated as part of the condition.

Date: 18/01/2023

