

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: Install paddock fencing and gates.

LOCATION: Les Damouettes Fields, Fort Road, St. Peter Port.

APPLICANT: Mr M Grunberg

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: 23/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Plan (1:500), IAE 5 rail half mesh gate detail and Tornado horse fence details.

Application Ref: FULL/2022/1574

Property Ref: A409320000

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.Within six months of the date when use of the site for grazing horses ceases, or such other period previously agreed in writing by the Authority, the paddock fences, gates and walkways hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of other agricultural uses within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - There is no justification to retain the paddock enclosures and associated development if the agricultural land is no longer used for the grazing of horses and the removal of the fences etc. would be in the visual interests of the locality.

5.No development shall begin on site until details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) 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 - This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the amenities of surrounding residents.

Expiry Date: This permission will cease to have effect on 22/09/2025 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/2022/1574
Property Ref: A409320000
Valid date: 29/07/2022
Location: Les Damouettes Fields Fort Road St. Peter Port Guernsey
Proposal: Install paddock fencing and gates.

Applicant: Mr M Grunberg

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. Within six months of the date when use of the site for grazing horses ceases, or such other period previously agreed in writing by the Authority, the paddock fences, gates and walkways hereby permitted shall be removed from the site. The land shall

be re-instated so that it is capable of other agricultural uses within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - There is no justification to retain the paddock enclosures and associated development if the agricultural land is no longer used for the grazing of horses and the removal of the fences etc. would be in the visual interests of the locality.

5. No development shall begin on site until details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) 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 - This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the amenities of surrounding residents.

OFFICER'S REPORT

Site Description:

The application site comprises a field on the western side of Fort Road and to the east of Damouettes Lane.

The site is generally grassland and there is vegetation (trees/hedging) along the roadside boundary and along the north boundary with the adjoining field to the north. The site slopes down to the west (rear) and sits at a lower level than Fort Road. An existing vehicular access to the site is situated in the Fort Road boundary, close to the boundary with the adjoining field to the north. There are residential properties to the north, south and across the road to the east and west.

The site is identified within the Island Development Plan as being Outside of the Centres.

Relevant History:

FULL/2022/0592 - Variations to plans previously approved to demolish outbuildings and erect two stable blocks, office, muck heap cover and covered seating area. Install sand school with lighting, horse walker, lunge pen and exercise track with associated parking and landscaping - reduce ridge height, and extend to west and east elevation, alterations to fenestration, re-position office/day room, increase arena width, omit fence, widen access road and erect gate - granted

FULL/2021/0802 - Demolish outbuildings and erect two stable blocks, office, muck heap cover and covered seating area. Install sand school with lighting, horse walker, lunge pen and exercise track with associated parking and landscaping - granted

FULL/2017/3017 - Erect new indoor riding facility and sandschool. Demolish existing outbuildings, remove conifer trees and hedge, create new vehicular access and access road, erect post and rail fencing and carry out landscaping – granted

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the installation of paddock fences and gates with associated access tracks in the field between Fort Road and Damouttes Lane. The application details set out that 1.5m high timber posts with wire fencing will be installed across the site to provide 15 individual paddocks for grazing horses. The 1.143m high gates to secure the paddocks are metal, 5 bar half mesh agricultural field gates. The walkway providing access to all paddocks in the application submission is identified as being 4m wide formed with a sandstone topping.

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

Island Development Plan policies:

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

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

IP9 – Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been submitted raising the following points:

- The development proposed for non-foodchain livestock on open agricultural land is not supported

Impact on landscape quality

- The application relates to 15 fenced paddocks with gates that require the construction of an access road. The 2D drawings do not reflect the effect of the development on natural beauty and landscape quality
- There is no shelter whatsoever in the fields

- The use of the land to provide grain or vegetable crops to the island which may offset prevailing environmental energy importation costs would be supported
- The application does not address the Strategy for Nature, to improve biodiversity on the land

Impact on residential amenity

- The subdivision of the site with associated works will impact on all neighbouring properties
- Should the fields not be appropriately managed in terms of the removal of manure there will be odours and fly infestations

Effect on roads and infrastructure

- The plans show the construction of a road into a wide part of the field to access the 15 paddocks, the application does not consider the effect on Fort Road (main arterial road from St Peter Port) and there is no ability of a vehicle towing a horse box to stop at the gate to the field without blocking Fort Road

Other matters

- The land is classified as open agricultural land and reference is made to 'The Guernsey Soil and Land Classification Report' which states that protection from development is paramount. The report states that the grazing of horses is not considered to be an appropriate use of agricultural land but is accepted provided the land is not "developed"
- The drawings suggest that each paddock will be commercially rented, is this a contravention of the use of the agricultural field?
- How many horses can lawfully fit into each paddock?
- Who is responsible for clearing manure from the fields and who monitors this?
- There are a number of issues with this application which is connected to the Grace Stables development
- Residents are waiting to hear the permitted operating hours and the levels of light pollution that is likely to occur, issues that could affect everyday lives. Do you have further information, when will we know what is intended?
- Revised plans were submitted for the stables and the landscaping but as yet we are in the dark as to the outcome
- The original plans showed an exercise track around the perimeter, this latest one does not, is it intended to lay one?
- Mention was made of mobile horse sheds being used in the field, is this intended?

Consultations:

States Veterinary Officer

Commented on the 2021 application and specifically referred to the division of the field to form paddocks:

6. Field Shelter in Les Damouettes Field.

It is not clear if Les Damouettes Field will be broken up into small paddocks using temporary fencing to enable multiple horses to graze separately or in small groups at the same time.

The provision of a mobile field shelter would overcome any welfare concerns regarding shelter for horses which are kept out at grass. Les Damouettes Field is 21,714 m² (approximately 2.2 ha). "The area of pasture required per horse will depend on the type of grass, ground conditions, time of year, type of horse and degree of pasture management employed. Generally, each horse requires about 0.5 - 1 hectares (or 1.25 - 2.5 acres) of grazing of a suitable quality if no extra feeding is being provided." (nidirect.gov.uk/articles/horses-need-suitable-environment). The addition of a mobile field shelter at Les Damouettes Field could potentially support two field kept horses throughout the year.

It is strongly recommended that horses returning from competition outside of the Island go into isolation upon their return for at least 2 weeks. This is to reduce the risk of them passing on contagious infections to other horses in the stables. A mobile field shelter in Les Damouettes Field would provide such a facility without the need to build a separate isolation stable within the complex.

Comments were also provided in relation to manure:

9. Muck Heap

An average horse produces 20kg of manure each day 7.5 tonnes annually. The stables have facilities for at least 10 horses. The dimensions of the muck heap are 3m x 5m therefore it will need emptying regularly probably by a licenced waste disposal operator. Currently on the island there are few operators willing and able to undertake this procedure.

I recommend that the size of the muck heap is doubled. This could be achieved by creating a second separate muck heap next to the first separated by a fire-resistant wall. Alternatively, a second muck heap could be created for the eastern stable block in a more convenient position.

Summary of Issues:

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

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 purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (a) The likely effect of the development on the natural beauty and landscape quality of the locality in question,*
- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of development

The comments regarding the benefit of the site for arable farming and concerns raised through the public consultation process regarding the use of the land by horses and reference to the Soil Classification Report have been noted. The site is not located within an Agriculture Priority Area, and provided that the proposed development complies with other relevant policies, Policy OC5(B) does not preclude the change of use or development of agricultural land. Furthermore, the grazing of horses on agricultural land does not, in planning terms, amount to a material change of use for which planning permission is required and there is no requirement for the

application to address biodiversity benefits across the site (Strategy for Nature, 2020). The IDP therefore, makes provision for the development as outlined in this submission.

Impact on character and appearance of the area

The IDP sets out that outdoor formal recreation relates to uses such as sports pitches, equestrian related activities, motor sports, golf etc. and that informal leisure and recreation relates to uses such as civic spaces, woodlands, cliff paths, commons, parks and gardens etc. The division of the site into paddocks for grazing would represent an equestrian related activity for the purpose of OC9.

Planning permission would not be required for the erection of a 1.2m high post and wire fence inside and adjacent to the site boundary as this constitutes exempt development. The application would however include the erection of higher 1.5m high fencing not only adjacent to the site boundaries but across the site to form a series of paddocks with associated gates and access tracks. The development is considered proportionate to the nature and scale of the equestrian related facilities approved for the site in line with Policy OC9.

The site is located in a plateau landscape character as identified in Annex V of the IDP which is made up of the western, central and south-eastern Plateau, a landscape type made up by a web of hedges, banks, hedgerow trees and treelined lanes which enclose numerous small pastures. The site forms part of the south-eastern Plateau (St Peter Port to St Martin) and its character is established development interspersed with open fields and large mature gardens and complemented by a cover of garden, hedgerow and roadside trees. The field is situated amongst primarily residential development with properties situated to the immediate west, south and on the opposite side of Fort Road to the east and also across the adjoining field to the north which reflects the description of character in the IDP. The area does not have an open landscape character given the urban development surrounding it, although the field does form a break in development.

The height of the fencing proposed is only marginally higher than that permitted under Class 4 of The Land Planning and Development (Exemptions) Ordinance, 2007 but would also divide the site rather than secure only its perimeter. Planning permission has previously been granted for a track around the entire perimeter of the field. The use of a trackway should reduce poached ground, which causes damage to the ground, along the routes to each paddock and could be easily removed if required.

In relation to the southern field perimeter track which was previously approved but is not shown as part of this scheme, this permission remains extant, could be implemented and cannot influence the determination of this application. The track to the north and part east boundary would be in line with the approved route and overall, the combined level of hardsurfacing proposed would not warrant the refusal of planning permission. Nonetheless, should the previously approved track be

installed in its entirety it would not be possible to implement the paddock arrangement as proposed and it appears likely that either the paddocks will be installed or the approved horse track.

When considering Policy GP1: Landscape Character and Open land the proposed paddock enclosures and walkway would not undermine the landscape character type, of development interspersed with fields, as the field would remain, albeit divided into smaller paddocks. The proposed works would not result in the unacceptable loss of specific distinctive features that contribute to local distinctiveness nor undermine visual access to this open land in line with the aims of Policy OC9, GP1 and GP8 c. of the IDP.

The works proposed are of typical and acceptable equestrian scale, form and design, and will be read against a backdrop of the existing trees and the surrounding housing. The appearance and materials proposed for the works across the site represent a good standard of design that are commonly used in agricultural settings in line with Policy GP8.

Impact on residential amenity

The works to divide the field would not have a detrimental impact on residential amenity with regard to privacy and overshadowing. The proximity of fields in relation to domestic properties is a matter of choice, necessity or by historic arrangement. Although concerns have been raised regarding the disposal of manure and nuisance caused by flies and odours as agricultural land it may already be used for the grazing of a variety of livestock, including horses, which could generate the same issues. There is no evidence to demonstrate that keeping horses on the site as proposed will generate any more nuisance.

In the interests of good animal husbandry and the welfare of horses kept on the site the regular removal of manure from the paddocks will be necessary (to reduce parasites and worms). 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 and method (open or covered) of manure storage and disposal generated given the number of horses/ponies that could graze the site. Such a condition would seek to mitigate the potential impact of manure generation and storage 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.

The application does not include details relating to the disposal of manure from the site and this is a matter that can be managed by planning condition in the interests of residential amenity. The development therefore complies with the aims of Policies GP8 and GP9 regarding the health and well-being of occupiers of surrounding properties.

Traffic and highway safety

Although concerns have been raised regarding horse boxes stopping in Fort Road to access the site this is unlikely to be a frequent occurrence for the safety of horses being loaded and unloaded and for other road users. Horses stabled on the adjoining site (permission approved but currently not implemented) will have direct access to the site via an approved access in the internal common boundary. It is more likely that horses will access the fields from the equestrian facility (Grace Stables) and to be loaded/unloaded into a horse box from the stable site than from the paddock areas.

An existing field access is situated in the Fort Road site boundary which can be used, unrestricted, by large farm machinery. There is no evidence to demonstrate that horse boxes or other vehicles using this access would do so more frequently than if the land were actively farmed, for example with regular livestock welfare visits or during harvest season. The erection of paddock enclosures will not have a detrimental impact on highway safety or capacity. The application is therefore considered to comply with the provisions of Policy IP9 of the IDP.

Other matters

The queries relating to the original permission for the equestrian facility on this site and the subsequent variation application have been noted however, can have no bearing on the assessment and determination of this application. The officer report and decision notice for all earlier permissions are publicly available online and will include details of the assessment of the development against the material planning considerations and relevant policies along with all planning conditions imposed in connection with these permissions. Where details are required to be provided by planning condition these are considered and assessed by the Authority, in consultation with other States departments where necessary, but do not form part of a full application that would be available for public comment.

The current application does not include the erection of permanent or mobile field shelters and there is no provision in the current exemptions for such structures. At present therefore, planning permission would be necessary for the erection of any form of field shelter. It should be noted however, that the field is directly adjacent to an approved stable development offering inside living quarters and that not all horses/ponies require stables or field shelters as some 'live out' all year round.

The Planning Service cannot restrict the number of animals on agricultural land and this would extend to horses grazing on the site. Nonetheless, the subdivision of the site into paddocks will serve multiple purposes in terms of managing the land and the welfare of horses on the site, for example, keeping mares, stallions and geldings separate as required, limiting the area of grazing for health reasons, the rotation of paddocks to allow them to recover and prevent over-grazing.

The application does not specify that the land will be rented, each paddock individually, and as outlined above the grazing of horses represents an agricultural use.

Conclusions

Notwithstanding the objections that have been received, and subject to appropriate conditions, it is recommended that planning permission be granted.

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: 21 September 2022

