

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect shelter/storage, erect gate and fencing and install hard surfacing to south east of site.

LOCATION: Field to South, Route Du Coudre/Ruette des Pelleys, St. Pierre Du Bois.

APPLICANT: Mr & Mrs J Berchem

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: 27/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan, Frome Stables Brochure details, Photograph of Gate and Fencing and MudControl details.

Application Ref: FULL/2022/2384

Property Ref: F006800000

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.Notwithstanding the annotation shown on the approved plans and prior to any work in connection therewith a detailed drawing to clearly show the position and total area of hardstanding to be laid 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. This condition is imposed so that the development does not have any adverse impact on the character of the area.

5.All the exterior walls of the shelter hereby permitted shall be stained dark brown or black within 28 days of the construction of the building.

Reason - In the interests of visual amenity.

6.Within six months of the date when use of the area enclosed by the post and rail fence and associated area of hardstanding hereby approved cease to be used by horses, or such other period previously agreed in writing by the Authority, the hardstanding and fencing hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the fence and hardstanding has been granted only on the basis that it is required in association with horses using the land. There is no justification to retain the fence and hardstanding if horses are not using the land.

7.The shelter/store hereby permitted shall be used only for purposes ancillary to the agricultural use of the land, personal to the owner of the land 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.

Expiry Date: This permission will cease to have effect on 26/02/2026 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/2022/2384
Property Ref: F006800000
Valid date: 04/01/2023
Location: Field to South Route Du Coudre/Ruette des Pelleys St. Pierre
Du Bois Guernsey
Proposal: Erect shelter/storage, erect gate and fencing and install hard
surfacing to south east of site.

Applicant: Mr & Mrs J Berchem

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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Reason - The information provided with the application does not include full details of the proposed hardstanding. This condition is imposed so that the development does not have any adverse impact on the character of the area.

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Reason - Permission for the fence and hardstanding has been granted only on the basis that it is required in association with horses using the land. There is no justification to retain the fence and hardstanding if horses are not using the land.

7. The shelter/store hereby permitted shall be used only for purposes ancillary to the agricultural use of the land, personal to the owner of the land 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.

OFFICER'S REPORT

Site Description:

The field that is the subject of this application is situated to the south of Route Du Coudre with access via a steeply sloping track, Ruelle Des Pelleys. The land is elevated above road level and slopes up and away from Route Du Coudre and the existing shed, enclosures and a polytunnel are visible towards the southwest site boundary.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

28 Agriculture

Brief Description of Development:

The application relates to the erection of a field shelter/store with a gated and fenced enclosure and hardstanding in the southern corner of the site.

The application has been accompanied by a supporting letter which sets out that the site is a small, roughly triangular shaped field accessed via a steep and narrow Green Lane and which is enclosed by established boundary hedges and mature trees. Attention is drawn to the fact that the field is used for the grazing of horses, that as a result the land does not contribute to the commercial agricultural use of the Agriculture Priority Area and planning conditions could be used to ensure that the proposed works are reversed at such time as the land is no longer used for the keeping of horses, meaning the loss of agricultural land would not be permanent. Attention is drawn to the consultation response from the Guernsey Farmer's Association on a separate application for a field of a similar size regarding the use of such land for commercial agriculture. Additional supporting information has been provided regarding its use/suitability for agricultural purposes highlighting its previous use for pony grazing and hay storage and pigs/goats being grazed on the land along with the limited/restricted access for large and modern machinery.

The application sets out that the ancillary built development would be proportionate to the nature and scale of the proposed equestrian use of the site and orientated to provide shelter to the horses during inclement weather. The shelter needs to be sufficient in size for a horse to stand, lie, turn or roll and with space for feed and tack and the area to be fenced is of sufficient size to accommodate two horses as necessary (e.g. during bad weather). The building will be set on skids although it is not the intention of the applicant to move the structure on this site. Hardsurfacing is proposed comprising interlocking plastic tiles onto the ground covered with sharps and bark chippings without any engineering operations or permanent development.

The submission also highlights that manure will be collected and stored adjacent to the field access and removed on a periodic basis to be used by a farmer for fertilizer. With only two horses to be kept on the land there will not be large quantities of manure that would impact on residential or local amenities.

The submission sets out a request for a minor departure should the Authority be unable to support the application due to constraints of any relevant planning policy.

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

Island Development Plan policies:

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

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its impact on the character and appearance of the rural environment.

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 grazing of horses on agricultural land does not amount to a material change of use in Guernsey. The primary use of this site therefore remains as agricultural land falling under Use Class 28 of The Land Planning and Development (Use Classes) Ordinance, 2017.

The application relates to built development associated with grazing horses on agricultural land and in the Island Development Plan equestrian related activities form an Outdoor Formal Recreation use (Policy OC9: Leisure and Recreation Outside of the Centres). The built development comprises fencing, a shelter/store and an area of hardstanding all of which have been developed to meet the needs of two horses being grazed at the site. This is considered proportionate to the use of the site. The development is positioned so that it will not have a detrimental impact on

the character of the area given the boundary landscaping and backdrop of mature tree/hedge planting. The nature and scale of development proposed, combined with its careful positioning, will not undermine the commercial function of the Agriculture Priority Area or the future function of this field for agricultural purposes.

In view of the above it is recommended planning permission is granted for the development proposed. It is reasonable to impose a planning condition to require the building to have a dark stain or finish in order to reduce its impact on the wider rural landscape character. A condition relating to the extent of hardstanding is also considered necessary as this is not explicitly set out in the application submission. As the IDP makes provision for built development within the APA which is ancillary to the use of the land and does not undermine its commercial function a blanket condition requiring the removal of the entirety of the development when not required for equestrian purposes would not be reasonable or necessary, given the small scale and low impacts associated with this application. The use of the building should however be conditioned to be for purposes ancillary to the agricultural use of the land, not for any other purpose, including in association with a trade or business. The fence and hardsurfacing are however more specific to the keeping of horses on the site and therefore in this regard it is reasonable to limit their retention on the site.

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: 22 February 2023

