

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect stable block, earth bank, fence and gate, hardstanding to east of the site and erect fence to south-west boundary.

LOCATION: La Petite Hurette, Rue De La Petite Hurette, Castel.

APPLICANT: Mr J Le Cheminant

I refer to the application referred to below received as valid on 23/06/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/09/2023

Drawing Nos: Chris Workman - JLC:23:04 01A

Application Ref: FULL/2023/0923

Property Ref: D001300000+D001700000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The field forms part of a large area of open and undeveloped land within the Agriculture Priority Area. The land could clearly positively contribute to commercial agriculture as it is surrounded by and well connected to other agricultural land. The site slopes gently but not to the extent that agricultural activity could be precluded. The application therefore fails to satisfy the requirement of Policy OC9 iii of the Island Development Plan that the site does not fall within an Agriculture Priority Area (APA), or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts. Consequently, the principle of the proposed development is unacceptable in this location.

2. The erection of the proposed stables and associated access track would alter and undermine the distinctive open undeveloped rural landscape. The proposal would result in an incursion of built development and constitute an unnecessary loss of open land and would have a detrimental impact on the open, undeveloped landscape character of the area.

The proposal therefore conflicts with Policies GP1 and OC9 of the Island Development Plan, and also fails to meet the requirement of Policy OC5(A) to accord with all other IDP policies.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0923
Property Ref: D001300000+D001700000
Valid date: 23/06/2023
Location: La Petite Hurette Rue De La Petite Hurette Castel Guernsey
Proposal: Erect stable block, earth bank, fence and gate, hardstanding to east of the site and erect fence to south-west boundary.
Applicant: Mr J Le Cheminant

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The field forms part of a large area of open and undeveloped land within the Agriculture Priority Area. The land could clearly positively contribute to commercial agriculture as it is surrounded by and well connected to other agricultural land. The site slopes gently but not to the extent that agricultural activity could be precluded. The application therefore fails to satisfy the requirement of Policy OC9 iii of the Island Development Plan that the site does not fall within an Agriculture Priority Area (APA), or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts. Consequently, the principle of the proposed development is unacceptable in this location.

2. The erection of the proposed stables and associated access track would alter and undermine the distinctive open undeveloped rural landscape. The proposal would result in an incursion of built development and constitute an unnecessary loss of open land and would have a detrimental impact on the open, undeveloped landscape character of the area.

The proposal therefore conflicts with Policies GP1 and OC9 of the Island Development Plan, and also fails to meet the requirement of Policy OC5(A) to accord with all other IDP policies.

OFFICER'S REPORT

Site Description:

The site is located to the west of La Petite Hurette and is an existing agricultural field. The land identified within the red application site outline is elevated and rises gently to the south and down to the north. The adjoining land to the east continues to rise above the application site.

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

Relevant History:

PREA/2023/0072 – Advice sought regarding the erection of a stable.

Existing Use(s):

28 Agricultural

Brief Description of Development:

The application proposes to enclose a small section of the field by the erection of an earthbank, the erection of a timber stable block (with two stables, trap store and feed store) and new post and rail fencing to the south and western boundaries, with an area of hardstanding to the access track to provide an area of car parking.

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 OC9: Leisure and Recreation Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

One letter of representation was received, the main points have been summarised below:

- Potential harm/loss of trees/hedges due to close proximity of the stable block to the boundary. This will result in loss of boundary screening.
- Hardstanding will create parking area and driveway, this is not identified on the application form which states there is no parking area. Use of hardcore/granite dust in the construction is not sympathetic to agricultural use.
- Use of land for sport/recreation is not consistent with designation as APA.
- Land is suitable for farming purposes and the horse and trap use is not a use connected with agriculture, but the keeping of pets, not working horses.
- Numerous stable facilities on island, but cost saving is not sufficient reason to approve development inappropriate to APA.
- Applicant is motivated by convenience and cost saving rather than there being a demand for such facilities and the development will have an adverse effect on the APA.
- Adverse visual impact
- Development does not respect visual landscape character and would result in loss of undeveloped open land.
- Boundary screening to east is deciduous and the stable will be fully visible.

Consultations:

N/A

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the proposed equestrian use on agricultural land within the APA.
2. The design and visual impact on the landscape character of the area.

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 site is located within the Agriculture Priority Area (APA) and this means that Policy OC5(A) is relevant. This states that proposals for development which are not related to a farmstead or existing agricultural holding will be supported provided that they accord with all other relevant policies of the IDP.

The proposed stables are an equestrian related activity, amounting to an outdoor formal recreation use. Policy OC9 states that:

“Development to provide new facilities for outdoor formal recreation or informal leisure and recreation, or to extend, alter or redevelop existing facilities, will be supported providing that:

- any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,*
- the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and,*
- the site does not fall within an Agriculture Priority Area (APA), or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts”.*

As the site is located within the APA, this means that the proposal is not supported by Policy OC9 as the land could clearly positively contribute to commercial agriculture as it is entirely surrounded by and well connected to other agricultural land. The site slopes gently but not to the extent that agricultural activity could be precluded. This means that the application fails to satisfy the requirement of OC9 iii.

Consequently, the principle of the proposed development is unacceptable in this location and the application must be refused. Notwithstanding this, the remainder of this report assesses the proposal in relation to other material planning considerations.

The agent advises that an existing arrangement to stable the two existing horses and store the trap is coming to an end, there is no appropriate alternative livery currently on island and their client has no other alternative than to provide a stable on their land. Whilst it is understandable that the applicant would want the stables to be located on land under their ownership, considering the open and undeveloped nature of the land and its distance from existing built development, there are concerns about the potential harm to the open character of the area as a result of a new building in this location.

With regard to Policy OC9 parts i) and ii), while the stable itself is considered of an appropriate size and scale for the purpose intended, the ancillary access track and car parking proposed is considered excessive, with a harmful visual impact. Consideration has been given to the reduction of the extent of car parking, although the access track would remain overly long. Relocating the stable closer to the field entrance has also been considered, however this would be a more prominent location, visible from the road, and would result in the building having a more significant and harmful visual impact.

The use of an earthbank to screen the stable and parking area provides some degree of mitigation in the landscape, particularly when viewing the site from the west and north-west, however this will not obscure the development entirely. The access track is proposed to be finished in granite stone dust, and may therefore appear prominent in the landscape. The proposed post and rail fencing is acceptable in an agricultural setting and will not have a significant visual impact due to the open design.

The impact on the landscape character and openness of the area, must also be assessed under Policy GP1, which requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

In this case, the field that is the subject of this application is located within the Upland Escarpment as identified in Annex V of the Island Development Plan, and where long views are significant. The field is surrounded by and forms part of a large area of open and undeveloped land. Whilst the stables would not be significantly visually prominent due to the provision of landscaping to mitigate the visual impact, the erection of the proposed stables would alter and undermine the undeveloped and open landscape character of the area. The proposal would result in an incursion of built development into a wider open and otherwise undeveloped landscape. It would constitute an unnecessary loss of open and undeveloped land and along with the prominence of the access track, would have a detrimental impact on the landscape character of the area. The proposal therefore conflicts with Policies GP1 and OC9.

In conclusion, as considered above, the proposal fails to comply with the requirements of Policy OC9, and GP1. This means that the proposal also fails to meet the requirement of OC5(A) to accord with all other IDP policies. It is therefore recommended that the application is refused.

No protected buildings, trees or monuments, or areas of SSS designation are affected by this application, and all material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Date: 22/09/2023