

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: Demolish stables and outbuildings and erect stables to east of existing stables (revised) (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: 27/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2019/03.41A, 03.42C, 03.43B, 03.44B, 03.45A & 03.46B.

Application Ref: FULL/2023/1434

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.

5. Prior to the installation of any external lighting to the stables, details of the external lighting shall be submitted to and agreed in writing by the Authority. Any external lighting to be installed to the stables shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or adversely affect the character of the area and wildlife.

Expiry Date: This permission will cease to have effect on 27/06/2027 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/2023/1434
Property Ref: D012770000
Valid date: 25/08/2023
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Demolish stables and outbuildings and erect stables to east of existing stables (revised) (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.

5. Prior to the installation of any external lighting to the stables, details of the external lighting shall be submitted to and agreed in writing by the Authority. Any external lighting to be installed to the stables shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or adversely affect the character of the area and wildlife.

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:

03/05/2024 – FULL/2023/2372 – Permission granted to erect 1.5 storey extension to west (side) elevation, install hard surfacing to south (front) of property, change of use of agricultural land to domestic land (775sqm) and alterations to vehicle access (partially retrospective) (Protected Building).

24/11/2023 - FULL/2023/1442 – Application refused to extend existing sand school to east.

07/02/2023 – FULL/2022/1053 – Permission granted to extend and alter existing stables and erect wall and gate (Protected Building).

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).

D1315

24/11/2023 - FULL/2023/1439 – Application refused to erect 2 stables to east of site for a temporary period.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to partially demolish existing stables and erect a building containing 6 stables, a tack room, 2 stores and a wash bay. The building would have the appearance of a pitched roof agricultural style barn measuring approximately 400sqm and finished with timber clad walls and a metal profiled roof.

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

- The application follows permissions for a private sand school (FULL/2020/0688) in May 2021 and to extend stables in February 2023 (FULL/2022/1053).
- The applicant has subsequently acquired about 10 acres of fields to the east and now owns more horses thereby requiring a larger stables than previously approved.
- The stables are for the private use only of the applicant's and not for commercial or third party use.
- The stables are over a similar footprint to the previously approved stables with a slight increase in the number of stables and the enclosure of the courtyard.
- The enclosure of the courtyard is to make a more effective and efficient build and for veterinary best practice and horse husbandry purposes.

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:

Two representations were received, main points as follows:

- The size and materials of the structure is not sympathetic to the natural county environment.
- The size is disproportionate to the declared use for the family resident at the dwelling.
- Recent developments is resulting in the site being overdeveloped.
- There is regular uncontrolled use of artificial lighting on the site which detracts from the local setting.
- Requests clarification for route of construction vehicles and whether they will utilise Ruelle des Cherfs.
- Notes that the plans do not make any reference to proposed lighting around the stables and sand school and requests that consideration is given to the impact of lighting on wildlife.

Consultations:

None

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.
4. The impact on the amenities of neighbouring residents.

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 partially demolish existing stables and erect a replacement enlarged 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 stables are well related to the existing stable block. The stables would be situated behind (north of) a high granite wall and together with its single storey nature and low profile 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 stables 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 replacement stables accords with Policies GP1 and GP8.

A section of the replacement stables 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

replacement stables 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 advised on a previous application (FULL/2022/1053) 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 raised no objections to the previous proposals. The proposed manure store is located to the north of the stables. Due to the high boundary wall and the distance between the stables 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 stables 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.

No details of external lighting have been provided. To reduce the impact on the character and amenity of the area, neighbours and wildlife, it is recommended that any external lighting is kept to a minimum, details of which can be requested by condition.

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

Due to the scale and nature of the development and the relationship with neighbouring properties, there is no planning requirement to seek further clarification about the construction phase of the development in the interests of the amenities of neighbouring residents.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land 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 replacement stables be conditioned to be personal to the applicant. The existing stables are already subject to such a condition, and this can be reiterated as part of the condition.

Date: 19/06/2024

