

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 2 stables to east of site for a temporary period.

LOCATION: Le Gardinet, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

I refer to the application referred to below received as valid on 24/08/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/11/2023

Drawing Nos: Tyrrell Dowinton Associates - 2355 03.01A, 03.02A, 03.03 & 03.04.

Application Ref: FULL/2023/1439

Property Ref: D013150000

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 land the subject of this application could be used for commercial agricultural use in conjunction with the adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts and therefore the proposal is contrary to Policy OC9 part (iii) and Policy OC5(A).

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/2023/1439
Property Ref: D013150000
Valid date: 24/08/2023
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Erect 2 stables to east of site for a temporary period.
Applicant: Mr & Mrs J Regnard

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The land the subject of this application could be used for commercial agricultural use in conjunction with the adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts and therefore the proposal is contrary to Policy OC9 part (iii) and Policy OC5(A).

OFFICER'S REPORT

Site Description:

The site consists of an agricultural field situated within an Agriculture Priority Area and is Outside of the Centres.

Under the same ownership to the west is a traditional farmhouse, outbuildings of varying age including stable blocks and an area of agricultural land and to the east is a further area of agricultural land. The total area of agricultural land under the clients ownership is advised as being 50,505sqm (approximately 12 acres).

Relevant History:

D1277

FULL/2023/1442 – Application pending to extend existing sand school to east.

FULL/2023/1434 – Application pending to demolish stables and outbuildings and erect stables to east of existing stables. (Protected Building).

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).

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to erect 2 stable blocks accommodating 6 stables along the south boundary of the field for a temporary period of a maximum of 3 years.

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 GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

One representation was received, main points as follows:

- Highlights works undertaken in the fields including excavations, the creation of earth banks, the removal of vegetation and the erection of fencing.
- No supporting information is provided about the vets advice.
- The use of 2 units with 6 stables is excessive.
- There is an existing stables to the east of the field.
- The size of the existing stables is adequate to house animals for personal use, including young animals.
- All fields have a history of farm/pasture/grazing/hay production use.
- 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.

- Land in the area is low and marshland fields, concerns raised about the impact on natural or naturalised species.
- Extent of plans overall suggests the development is not for personal use but is part of a progressing commercial operation.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the proposed equestrian use on agricultural land within an Agriculture Priority Area.
2. The impact on the landscape character and openness 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 proposal to erect 2 stables falls to be considered principally under Policies OC5(A), OC9 and GP1 of the Island Development Plan. The proposed stables is an equestrian related activity, constituting an outdoor formal recreation use as set out under Policy OC9. Where development is designed to meet a recognised demand, 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, 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”.*

The agent advises that since permission was granted to install a sand school in 2021 and to extend the stables in 2022, the applicants have acquired about 10 acres of fields to the east and they now own more horses. It is advised that temporary stables are required to raise thoroughbred foal horses as a succession to their current horses and they must be kept away from adult horses for the first couple of years of their life for good veterinary reasons. The agent advises that the existing adjacent barn is used to

store a tractor, feed and hay and is not suitable for stabling. The temporary stables would be in situ for a maximum of 3 years and the stables will be used by the applicants only and would not be for business use.

The siting of the stables along the south boundary would limit its prominence from public view. The stables would be visible from Ruelle des Cherfs to the north at a distance of approximately 100m. However, from this viewpoint it would be seen in context with the adjacent agricultural building and it would be viewed against mature tree planting to the south. As a result, the erection of stables for a temporary period would not have a significant adverse effect on the character and openness of the area.

The agent advises that the stables are for a temporary period of a maximum of 3 years, the siting of the stables along the boundary and adjacent to an agricultural building has been chosen so that there is no loss to agricultural operations and the location does not interfere with the tenancy of the easternmost fields which runs until the end of December 2023. The agent suggests conditions to limit the use to the occupants of the dwelling Le Gardinet and to require the removal of the stables after a maximum period of 36 months. Subject to the suggested conditions the agent concludes that there will be no permanent impact on the Agriculture Priority Area.

The site is located within an Agriculture Priority Area. The land is largely flat, it is bounded by agricultural land to the east and west and it forms part of a large area of contiguous agricultural land. No information has been submitted to demonstrate that the land could not be used for commercial agriculture. The Guernsey Soil and Land Classification survey of 1988 classified the land in question as good quality agricultural land. Notwithstanding the agents comments, no compelling information has been submitted to demonstrate that the land could not be used for commercial agriculture. Whilst the stables themselves are limited in size and are proposed to be in situ for a temporary period, the proposed stables are not well related to the existing stables, they would encourage the spread of non-commercial agricultural uses within the Agriculture Priority Area and the associated use of the stables would have the effect of removing a much larger area of agricultural land within the Agriculture Priority Area from commercial agricultural use. The land the subject of this application could be used for commercial agricultural use in conjunction with the adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts and therefore the proposal is contrary to Policy OC9 part (iii) and Policy OC5(A).

When combined with the approved stables under planning application FULL/2022/1053 or the pending application for stables under FULL/2023/1434, there are some concerns about whether the developments as a whole are proportionate to the proposed personal use. Whilst additional information could be requested to assess this further, as the application does not otherwise accord with Policy OC9 this has not been explored further at this stage.

The comments in the letter of representation regarding works undertaken in the fields and the use of artificial lighting are not relevant to this current application. The site is not within an Area of Biodiversity Importance and the erection of temporary stables by themselves is unlikely to have a significant adverse effect on biodiversity.

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.

It is recommended that the application is refused.

Date: 24/11/2023

