

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: Extend existing sand school to east.

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: Tyrell Dowinton Associates - 2019 03.49, 03.50, 03.51A & 03.52.

Application Ref: FULL/2023/1442

Property Ref: D012770000

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/2023/1442
Property Ref: D012770000
Valid date: 24/08/2023
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Extend existing sand school to east.
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 a traditional farmhouse, outbuildings of varying age including stable blocks and an area of agricultural land measuring 50,505sqm (approximately 12 acres) to the north-east and east. The whole of the house and the barn to the south is a protected building.

The site is located Outside of the Centres, the agricultural land to the north-east of the dwelling and the east of the existing sand school is within an Agriculture Priority Area.

Relevant History:

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).

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FULL/2023/1442 – Application pending 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 extend an existing sand school to the east by approximately 1300sqm and including install post and rail fence.

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:

Two representations were received, main points as follows:

- Highlights works undertaken in the field including excavations, the creation of earth banks, the removal of vegetation and the erection of fencing.
- The size and materials are not sympathetic to the natural country environment.
- 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.
- Requests clarification for the 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 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 extend the existing sand school falls to be considered principally under Policies OC5(A), OC9 and GP1 of the Island Development Plan. The proposed sand school 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:

- i. any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,*
- ii. the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and,*
- iii. 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 the sand school will be used by the applicants only and would not be for business use.

The siting of the sand school, to the rear (north) of the existing stables would limit its prominence from public view. The extended sand school would be partially visible from Ruelle des Cherfs to the north at a distance of approximately 70m. However, from this viewpoint it would be seen in context with the existing stables and other equestrian related paraphernalia and together with its low profile, the extended sand school would not have a significant adverse effect on the character and openness of the area.

The agent advises that the land is already used for horses, it is not a working farmstead or agricultural holding, the loss of land within the Agriculture Priority Area is very minor and the construction and use of the extended sand school is entirely reversible. In this respect the agent suggests a condition to require the removal of the sand school and the restoration of the agricultural land once the land is either no longer in the ownership of the applicant's or such use ceases. Alternatively, it is suggested that an application could be made to extend the domestic curtilage to include the area of land forming the extended sand school or a sand school could be created by laying a membrane with loose sand above.

The site is located within an Agriculture Priority Area. The land is largely flat, it is bounded by agricultural land to the east 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 identified that the land in question at that time was a glasshouse site but the adjoining agricultural land to the east was classified 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 agent advises that the development is reversible, there is no indication of timescales and considering the recently approved and proposed equestrian related developments on the site, it would appear likely that the land would be unavailable for commercial agricultural use for the foreseeable future. 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).

If a revised application was submitted to change the use of the land to domestic use, any such application would also need to demonstrate 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.

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 creation of a sand school by itself 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