

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: Erection of stables and tack room to south boundary.

LOCATION: Retot Cottage, Retot Lane, Castel.

APPLICANT: Mr M Ferbrache

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: 20/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: RET-SB-1-1

Application Ref: FULL/2024/0041

Property Ref: D010660000

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.

Expiry Date: This permission will cease to have effect on 19/02/2027 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/2024/0041
Property Ref: D010660000
Valid date: 27/12/2023
Location: Retot Cottage Retot Lane Castel Guernsey GY5 7EF
Proposal: Erection of stables and tack room to south boundary.

Applicant: Mr M Ferbrache

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.

OFFICER'S REPORT

Site Description:

The application site comprises of two dwellinghouses falling within one ownership. The whole of the western part of the site, extending to the field boundary to the east of the dwellings, comprises domestic curtilage. Two agricultural fields to the east are also under the applicants ownership.

The whole of the building, together with the roadside and garden walls, pig sties, well and surround and fontaine, abreuveur and paving, is protected.

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

Relevant History:

16/09/2021 – FULL/2021/0430 – Permission granted to remove glasshouses, chimneys and boiler pits and erect an agricultural building and fencing.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a stable block containing 2 stables and a tack room along the south boundary of the domestic garden. The stables would be finished with wooden shiplap cladding and an Onduline or corrugated red or black roof.

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

GP1: Landscape Character and Open Land

GP5: Protected Buildings

GP8: Design

GP9: Sustainable development

GP13: Householder development

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

Representations:

One objection was received, main points as follows:

- Building is away from other buildings and within an APA.
- Previously approved agricultural building could be used instead.

- Stable use for horses does not fit with agricultural zoning.
- A tree has already been removed to clear the site for the development.
- Proximity to and impact on neighbouring property due to increase noise, smells, flies and vermin.

Consultations:

The Office of Environmental Health and Pollution Regulation, 09/02/2024

"I have reviewed the proposed plans for the erection of stables and tack room to the southwest boundary of the above site.

From looking at the plans, it is my understanding that the stables will be for domestic use only. In this case, I confirm I do not wish to raise any objections to the proposals.

As this application may have animal welfare implications, I would recommend that the States Veterinary Officer is also consulted on the proposals".

Summary of Issues:

- Impact on the character and appearance of the area.
- 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 stables are situated within the garden of Retot Cottage and consequently there would be no loss of agricultural land.

Due to a combination of the high boundary wall along the roadside and well established planting along boundaries, the stables would not form a prominent feature, if visible at all, from a public place. The stables achieve a satisfactory standard of design and would have no adverse effects on the character and visual amenity of the area. The distance to the existing dwellings together with the modest scale of the stables would result in no adverse effects on the setting of the protected buildings. The proposal accords with Policy GP8.

The Office of Environmental Health and Pollution Regulation raise no objections to the proposal. Although situated along and inside a boundary with a neighbouring residential property, due to its modest domestic scale and the distance to the neighbours dwelling, the stables are unlikely to have a material adverse effect on the amenities of neighbouring residents. Due to its modest domestic scale there is no planning requirement to consult the States Veterinary Officer, however, the

applicants may wish to contact the States Veterinary Officer directly in order to ensure that they accord with animal welfare legislation.

With regards to the representors comments, the potential to use a previously approved agricultural building as stables is not relevant to the consideration of this application for the erection of stables on domestic land. In addition, it is noted that the agricultural building was approved for a specified agricultural purpose and was limited to agricultural use and is not authorised to be used as a stables. Planning permission was not required to fell the tree in order to clear the site for the proposed stables.

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 approved.

Date: 15/02/2024

