

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: Install equestrian arena/sand school to east of site.

LOCATION: Bon Air, Le Rocher Road, St. Martin.

APPLICANT: Mr & Mrs R J Mahy

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: 18/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 600-1-001D, 600-3-016A, 018 & 019.

Application Ref: FULL/2024/0229

Property Ref: J01295B000 + J01295A000

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.Use of the sand school hereby permitted shall be restricted to the occupants of the neighbouring property currently known as Bon Air only, and shall not be utilised on a commercial basis or as a riding school at any time.

Reason - Use on a commercial basis or by persons unrelated to the occupants of the adjoining property would raise different policy issues.

Expiry Date: This permission will cease to have effect on 18/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, planning permission has not been sought nor granted for the erection of floodlighting.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Bon Air.

The Office of Environmental Health and Pollution Regulation draw your attention to the guidance that was issued following the introduction of the Environmental Pollution (Water Pollution) Ordinance, 2022, which can be found on their website: www.gov.gg/CHttpHandler.ashx?id=160414&p=0.

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/2024/0229
Property Ref: J01295B000 + J01295A000
Valid date: 08/02/2024
Location: Bon Air Le Rocher Road St. Martin Guernsey
Proposal: Install equestrian arena/sand school to east of site.

Applicant: Mr & Mrs R J Mahy

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. Use of the sand school hereby permitted shall be restricted to the occupants of the neighbouring property currently known as Bon Air only, and shall not be utilised on a commercial basis or as a riding school at any time.

Reason - Use on a commercial basis or by persons unrelated to the occupants of the adjoining property would raise different policy issues.

INFORMATIVES

For the avoidance of doubt, planning permission has not been sought nor granted for the erection of floodlighting.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Bon Air.

The Office of Environmental Health and Pollution Regulation draw your attention to the guidance that was issued following the introduction of the Environmental Pollution (Water Pollution) Ordinance, 2022, which can be found on their website: www.gov.gg/CHttpHandler.ashx?id=160414&p=0.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to install an equestrian arena/sand school to the east of the field.

The application site comprises an agricultural field located Outside of the Centres and the subject of no other designation under the Island Development Plan. The field has been used for the grazing and exercising of horses for a number of years. A stable block and associated hard standing is located in the south-east corner of the field adjacent to the vehicular access, and the applicant's dwelling adjoins the site to the east.

Relevant History:

20/11/2019 – FULL/2019/1851 – Permission granted to create equestrian arena / sand school to north of stables.

Existing Use(s):

Agricultural Use Class 28

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

OC5(B) – Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
OC9 – Leisure and Recreation Outside of the Centres
GP1 – Landscape Character and Open Land
GP8 - Design
GP9 – Sustainable Development
IP9 – Highway Safety, Accessibility and Capacity

Consultations:

The Office of Environmental Health and Pollution Regulation, 05/03/2024

"I have reviewed the proposed plans for the installation of an equestrian arena and sand school at the above site. I do not wish to raise any objections to the proposals although I note that the application does not include plans for external lighting.

I would also like to draw the applicant's attention to guidance that was issued following the introduction of the Environmental Pollution (Water Pollution) Ordinance, 2022, which can be found on our website:

www.gov.gg/CHttpHandler.ashx?id=160414&p=0".

Conclusion/Brief comment:

The proposed sand school was previously approved in November 2019 (FULL/2019/1851), the permission has since expired. The proposed sand school would be located to the north of the existing stables, would measure 50 x 20m, and would be enclosed by a post-and-rail fence. Its use on a personal recreational basis by the occupants of the adjoining dwelling (currently known as Bon Air) represents a form of formal outdoor recreation provided for by Policy OC9.

Given existing boundary features and difference in levels between the field and the lane, it is not considered that there would be any adverse impact on the openness or landscape character of the area. Floodlighting is not proposed as part of this application, and that would require a separate grant of permission in any event.

The sand school is for the personal use of the applicant, on which basis there should be no materially greater impact on the amenity of neighbouring properties or the local highway network than exists at present.

Use of the sand school on a commercial basis, which could give rise to greater impacts, would amount to a change of use requiring a separate grant of permission.

Information has been provided clarifying that top soil to be excavated in order to construct the sand school will be evenly distributed across the remainder of the field (the applicant calculates that this will be to a depth of approximately 30mm) and re-laid to grass as at present. This is considered to accord with the aims and objectives of Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:
Grant with Conditions



Date: 15/03/2024