

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: Variation of condition 6 of FULL/2021/0802 to allow non-family users of up to 6 stalls within the western stable building to contribute towards running costs.

LOCATION: Grace Stables, Les Damouettes Fields, Fort Road, St. Peter Port.

APPLICANT: Mr M Grunberg

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: 17/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A 7 Design - 20-1232 SK/03

Application Ref: FULL/2024/0351

Property Ref: A410120000

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 on or before 29/11/2024..

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 30/11/2021, issued under planning application reference FULL/2021/0802, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5.This permission permits the use of six stalls to be used for livery purposes and with the exception of the six stalls shown on the approved plans there shall be no other livery use or any other trade or business operating from the site.

Reason - To define the terms of this permission.

Expiry Date: This permission will cease to have effect on 17/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application submission has set out that the existing hardstanding/parking arrangements will meet the requirements of the site following the variation of condition 6. Attention is drawn to Class 4, Part 3 of the The Land Planning and Development (Exemptions) Ordinance, 2023 which relates to the creation and extension of hardstanding should any changes be required should demand for on-site parking for cars/horse boxes etc. change.

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/2024/0351
Property Ref: A410120000
Valid date: 21/02/2024
Location: Grace Stables Les Damouettes Fields Fort Road Fort Road St.
Peter Port Guernsey
Proposal: Variation of condition 6 of FULL/2021/0802 to allow non-family users of up to 6 stalls within the western stable building to contribute towards running costs.
Applicant: Mr M Grunberg

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 on or before 29/11/2024..

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 30/11/2021, issued under planning application reference FULL/2021/0802, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. This permission permits the use of six stalls to be used for livery purposes and with the exception of the six stalls shown on the approved plans there shall be no other livery use or any other trade or business operating from the site.

Reason - To define the terms of this permission.

INFORMATIVES

The application submission has set out that the existing hardstanding/parking arrangements will meet the requirements of the site following the variation of condition 6. Attention is drawn to Class 4, Part 3 of the The Land Planning and Development (Exemptions) Ordinance, 2023 which relates to the creation and extension of hardstanding should any changes be required should demand for on-site parking for cars/horse boxes etc. change.

OFFICER'S REPORT

Site Description:

The site is to the west of Fort Road and is currently under construction for the approved permission for a private equestrian facility comprising stabling for 10 horses, parking, a covered muck heap, a sand school, lunge pen and horse walker.

The site is identified within the Island Development Plan as being Outside of the Centres.

Relevant History:

FULL/2017/3017 - Erect new indoor riding facility and sandschool (60m x 20m). Demolish existing outbuildings, remove conifer trees and hedge, create new vehicular access and access road, erect post and rail fencing and carry out landscaping – granted

The approved scheme incorporated a vehicular access to the site from Fort Road and conditions were imposed relating to the position of entrance gates so that vehicles could pull clear of Fort Road whilst the gates were opening, how traffic would be

controlled/marshalled during events to prevent the build up of traffic on Fort Road, details of cycle, motorcycle and overflow parking.

FULL/2021/0802 - this application proposed the demolition of the existing structures on the site and the construction of a private equestrian facility comprising two stable barns (containing stalls for 10 horses), parking, a covered muck heap, a sand school (c. 60m x 22m), lunge pen, horse walker, and perimeter exercise track within the adjacent field.

2021 drawings included internal layout (site plan PD01) which incorporated five stalls in the western stable barn facing the courtyard area, a tack room, feed room, rug store, laundry, wash/solarium x2.

The scheme as approved incorporated twelve parking spaces adjacent to the west site boundary with a turning head in the southwest site corner along with three horsebox/trailer parking spaces.

The permission did not seek to limit the number of horses to be kept on site. The States Veterinary Officer did at the time, refer to the BHS recommended minimum stable/stall sizes. Ultimately the internal layout and stall sizes would not influence the outcome of a planning application but will need to be satisfactorily addressed for animal welfare purposes. Conditions were imposed relating to there being no trade or business purposes (this includes a riding school or livery facility), details relating to external lighting (but not specifically the hours of operation) and landscaping.

FULL/2022/0952 - Variations to plans previously approved to demolish outbuildings and erect two stable blocks, office, muck heap cover and covered seating area. Install sand school with lighting, horse walker, lunge pen and exercise track with associated parking and landscaping - reduce ridge height, and extend to west and east elevation, alterations to fenestration, re-position office/day room, increase arena width, omit fence, widen access road and erect gate – granted

This application showed the internal layout of the stable blocks as being amended from the 2021 approved scheme. This approval indicated six stalls within the west stable barn facing east to the courtyard area, a tack room, feed/rugs room, laundry, tool store, washdown area and changing room. The west barn does not include a solarium.

Parking and turning for cars and other vehicles did not change from the 2021 approval but the scheme (via minor amendment) replaced a muck heap with muck heap trailer space

FULL/2022/1574 - install paddock fencing and gates – granted

FULL/2023/0905 - Variation to previously approved plans to install paddock fencing and gates - raise ground levels of agricultural land – granted

FULL/2023/2424 - Alterations to ground levels between field boundaries – granted

FULL/2024/0559 - Erect awning to east elevation and store/electric cupboard to north elevation of day room (retrospective) – under consideration

Existing Use(s):

Private stable development under construction with associated agricultural land (for grazing)

Brief Description of Development:

The application relates to the variation of condition 6 of the 2021 permission for the development of the site. The condition states:

The development hereby permitted shall at no time be used as a commercial livery or riding school, or for any other trade or business purposes.

Reason - To define the terms of this permission, as commercial use involves different planning policy considerations.

The application has been accompanied by a supporting letter that argues that the condition does not preclude the use of stables/the site by parties other than family but interprets the condition as meaning that it cannot be run as a for-profit enterprise.

The submission seeks to clarify that it is intended that the parties who keep horses at the stables would contribute towards the running costs of the site but that it would not be operated as a commercial venture. It is proposed that one of the two stable barns would be made available for use by others, with the number of non-family members using the facility limited to a maximum of 3, using at least two horse stalls each. This would, it is argued, limit vehicular movements to and from the site.

It is suggested that the condition is varied to include reference to “parties stabling horses at the facility may contribute to the sites running costs on a not-for-profit basis”.

No floor plans of the western stable barn have been provided.

Following the deferral of the application further information was provided relating to parking provision on site.

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

Island Development Plan

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP8 – Design
GP9 – Sustainable Development
IP7 – Private and Communal Parking
IP9 – Highway Safety, Accessibility and Capacity

Representations:

Five letters of representation have been submitted objecting to the application and raising the following points:

- This relates to a commercial venture, however worded
- There is no demand for another livery yard
- If approved how will it be policed (e.g only western barn used)
- It seems contradictory to now ask for contributions towards running costs
- The proposal will generate excessive activity (that the condition sought to avoid) – this will have a serious impact on the peaceful enjoyment of properties surrounding the site
- Additional horse boxes (in addition to the site owners)
- Additional traffic movements (including large vehicles) including food/bedding deliveries – these are unlikely to be coordinated so there is one delivery for all 12 horses
- What is the situation for the disposal of manure?
- The land opposite the site in Fort Road is precious open space – horses exercised there at any time of day, even at a walk would damage wild flower planting and impact on other users
- A sign should be erected for Fort Road green space to exclude use by horses
- Traffic calming should be introduced on the corner by Morley Chapel for horse safety
- There is an issue of parking in the road behind Morley and regarding dumped cars – it won't be safe for horses choosing to ride around the back lanes to pass these cars when there is on-coming traffic and on a sharp bend
- When horses were kept in the area in the past the roads were quieter
- An exit ramp has been constructed without approval – previously highlighted to the Planning Service but remains unresolved
- The application form is incomplete (no applicant email or telephone number provided)

Deputy Steve Falla – permission was granted for this development on the condition that the resulting structures would be for private/family use only and NOT for commercial livery or a riding school or for any other business or commercial gain or profit. This seems a retrospective attempt to manipulate planning policy. “Contributing financially towards the stable running costs” is in effect what clients or customers of a commercial livery business would be doing. The applicant's agent was quoted in the Guernsey Press as saying that the running costs will be “not insubstantial” but the applicant must have known this before embarking on the development. It is his responsibility and not a reason to vary condition 6.

It was also claimed in the Guernsey press interview that the application was to clear up an “oddity” or “anomaly” suggesting that this is merely a technicality. It is not a technicality, it is an attempt to retrospectively move the goal posts.

In my view the applicant must have known from the outset that he would have use for only one of the stable blocks and should have constructed only one. Given that this is a controversial development, about which I have heard only negative comments from islanders, I believe that the owner should be made to remove the over-specified and, by his own admission, unnecessary element of the construction.

Consultations:

Traffic and Highway Services – advise that an access should: -

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic (access track onto Les Damouettes);
- b) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic (Fort Road);
- c) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- d) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- e) Be square to the carriageway;
- f) Be sited at a distance not less than 20m from a junction.

The main development access adjoins Fort Road which is designated as a Traffic Priority Route in the Traffic Engineering Guidelines for Guernsey. Policy TPR01 advises, development which would have an adverse effect on traffic management, which are unsustainable in terms of traffic generation, or produce unacceptable interruptions to traffic flow or reduction in highway capacity, either by themselves or as part of a process of incremental change should be resisted.

With regard to the above, it has been noted that the proposed variation would likely provide a very modest increase in traffic movements associated with the site and with minimal chance of these being perceptible on the network (in terms of volume) if access/egress is encouraged via Fort Road.

There is no public parking in the immediate vicinity so it is recommended that the applicant clarifies how the onsite provision will suitably manage the expected modest increase in vehicles accessing the development. Should a reasonable explanation be received then the proposal would be considered to create no traffic management concerns and no required redesign of the Fort Road access or access road.

It is unclear to Traffic & Highway Services (THS) at this time whether the minimum recommended sightline in the direction of oncoming traffic would be provided at the

Fort Road access. It has been noted that the planting scheme shows trees and hedging on and near the eastern boundary which may have the potential to obstruct the sightline along what is currently one of Guernsey's higher speed sections of highway. Should information be provided or be available that indicates the minimum 33m sightline standard would be provided (and preferably exceeded) then THS would also offer no road safety grounds to oppose the application.

Further comments were provided following the receipt of further information regarding off-street parking, that parking meeting expected demand is reasonable and reiterating that there are no known parking issues on the public highway in the area that would be exacerbated by the development. The matter of the visibility splay on Fort Road was also reiterated with regard to landscaping within the splay area.

States Veterinary Officer – supports the proposal. The presence of other horse in the westerly stable block, which is not used by the family's horses, could be beneficial for several reasons:

- Most horses benefit from the company of other horses in terms of sight, sound and smell
- The presence of horse owners in the vicinity of the yard for longer periods will increase the likelihood of prompt detection of acute equine health problems such as choke, colic, catastrophic injury etc.
- Early detection of fire

However, there must be sufficient parking available for the three non-family members to avoid the narrowing of any access for horses being ridden or led.

If the application is granted the States Veterinary Officers will be responsible for the licencing of Grace Stables. From the perspective of the Animal Welfare (Guernsey) Ordinance, 2012, it is my understanding that any economic activity, whether or not carried out for profit, will be deemed a commercial enterprise and require a licence.

The Office of Environmental Health and Pollution Regulation – have reviewed the application for a variation of condition 6 of FULL/2021/0802, which states "The development hereby permitted shall at no time be used as a commercial livery or riding school, nor for any other trade of business purposes." I understand that the variation proposal is to add the following wording to the condition: "Parties stabling horses at the facility may contribute to the site's running costs on a not-for-profit basis." I have concerns about this proposal, and I do not believe there is sufficient information provided to address these.

I am concerned that the proposed variation will increase vehicle movements on the site and that noise from additional vehicles visiting the site could affect resident amenity. I understand that the applicant wishes to allow non-family users of up to six horse stalls within the western stable building and that the number of such parties would be limited to a maximum of three. Whilst I note the applicant's statement that 'this limitation also serves to minimise vehicular movements,' it is not clear how

limiting use of the stables will be managed, how many people would constitute one 'party', who will be visiting the stables and when, or whether consideration has been given to additional vehicle movements from other related people visiting the site, such as farriers, vets, chiropractors, physios, riding instructors, etc. I note that the applicant confirms that the non-family users will also make use of the site facilities, but there is no further information about the site management and how this may be operated.

Should further information be submitted, I would be happy to review this and provide further comments.

Whilst I have read the applicant's reasoning that the change of wording to the condition will not result in the site becoming a commercial enterprise, I am not clear on whether the Development and Planning Authority agree with this. Therefore, I would offer the applicant the following advice:

If the site were to become classed as commercial, the applicant should contact this department for advice on the storage of manure waste, as a Waste Management Exemption would be required to be applied for and issued by this office.

Additionally, we previously offered advice on manure management in response to the original application for the site and the applicant should note that if the site is given planning class for a commercial use, we have powers to investigate odour from commercial sites, to assess whether a statutory nuisance is occurring, so the siting and management of the manure pile is an important factor to consider.

To reiterate the advice previously provided, I would refer the applicant to the UK 'Code of Good Agricultural Practice for farmers, growers and land managers', provided by the Department for Environment Food and Rural Affairs, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf. Whilst this is a comprehensive document there are aspects relating to manure management that may be of use.

Summary of Issues:

- Authorised permitted use of the site, existing condition and definition of livery
- Principle of development
- Impact on local amenity
- Parking and highway matters

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

It is first necessary to provide clarification regarding the condition to which this application relates. Its purpose was to ensure that the site remained in private use by the applicant/family (or subsequent site owners) and not for the site to be made available for public use, whether that was as a riding school or offering livery facilities or any trade or business.

There is a consistent definition of livery when considering that published by gov.uk and the British Horse Society (BHS).

The UK government website sets out that *at a livery yard, horses are housed and cared for in return for payment or reward but are not the property of the livery yard owner.*

The BHS *define a livery stable or yard as a property whereby horses/ponies that do not belong to the owner of the property are kept.*

A livery stable or yard therefore, does not fall within the authorised private use of the site and the Planning Service interpretation of livery use and business purposes differs from that of the submission. There is no differentiation between whether this is on a profit or non-for profit basis or how payment is made for the running costs associated with the site i.e. financial contribution or labour required in order to maintain areas of the site/buildings.

It should also be noted that there are varying types of livery available, to be agreed between a site owner and horse owner depending on the expectations/requirements of both. The definitions set out below have been taken from the UK government website (gov.uk):

- full livery - the livery or yard manager is responsible for the care of the horse
- part livery - the owner and the livery provider share the management and care of the horse
- DIY livery - the horse owner is responsible for the care and management of the horse
- working livery - the livery provider takes part payment and is allowed to use the horse - if this involves hiring out the horse the livery provider needs a licence
- grass livery - the livery does not provide housing for your horse

The application to vary condition 6 must therefore be assessed on the basis of the introduction of a livery element to the site, that goes beyond just the stalls in the western stable building, and so a shift away from a private yard. The application submission does not specify that it seeks to vary the use of the site beyond the western stable block but the horses kept on site would have ready access to all the on-site facilities including sand school/arena, lunge pen and horse walker along with the adjoining grazing. It would also be unreasonable and unenforceable to vary the condition to allow six stalls to be used for livery purposes but that horses kept at livery could not have access to these additional facilities.

Nonetheless, in considering a variation of the condition careful consideration must be given to how, introducing livery facilities to the site could, if not carefully controlled, go beyond the approved six stalls/horses indicated in the application submission. This may not be the intention of the current site owner however, a planning permission runs with the land and so should the site change hands the livery aspects could change.

The applicant does not seek to vary the condition in relation to a trade or business which could allow for the additional facilities to be hired out to individuals who do not stable their horse(s) at the site nor have access to such facilities at their own yard and the Planning Service is satisfied that in varying the planning condition this can still be expressly precluded unless a further planning application is made.

The scheme will generate additional vehicle movements above and beyond those anticipated with a private family and the impact of these changes on on-site parking provision and highway safety must therefore be considered.

Although the submission sets out that the variation of condition would relate to six stalls and a maximum of three owners the Planning Service cannot control or prevent other people being invited to visit the site (e.g. loan/part loan, riding instructors and other equestrian related practitioners). It is already acknowledged that the number of horses stabled at the site would not alter from that previously indicated in the 2022 application associated with the private equestrian facility. Nonetheless, multiple horses with varying needs will require involvement from external sources which may go above and beyond that anticipated with a private, family yard.

The 2021 application submission sought to justify the level of off-road parking associated with this private equestrian facility:

12 car parking spaces and three horse box spaces. We felt it prudent to have too many than too few. Example: for 12 stalls three horseboxes (2 horse each) would be an appropriate ratio. Cars: Mr and Mrs Grunberg both have one car each, plus their daughter when she is older, a horse trainer and a groundskeeper will also require a space each, in addition to a maintenance person, = 6, an allowance of 3 spaces for visitors and friends, 1 space for a tractor, 1 space for a cart, plus one spare space = 12 in total

The current application does not however, propose to make any changes to the approved parking layout or number of parking spaces. The Planning Service cannot prevent owners of horses using the livery stables from bringing/storing their own horsebox at the site however, additional hardstanding for parking would not represent exempt development and this matter can be highlighted as part of a permission.

THS had raised no objections to the original application to create a private equestrian facility on the site having regard to the approved commercial equestrian arena with the roadway and parking layout as shown and no objection has been raised by THS to the proposed variation of condition 6 in terms of highway safety or off-road parking provision.

The vehicular access arrangements for the site would remain unchanged from the private equestrian facility approval in 2021 where access would be from the northeast corner of the site from Fort Road. The access arrangement differs from the 2017 application for a public facility because in that case the access was in the southeast corner of the facility (excluding agricultural land in the same ownership south of the site). The access roadway along the north site boundary is shown as being c. 3.89m wide without passing places for any particularly sizable vehicles but which would allow most cars/vehicles to pass without difficulty or requiring either to reverse back into the site or out towards Fort Road.

A landscaping scheme has been approved for the site as a whole but includes landscaping within the visibility splay area onto Fort Road. Given the changing nature of the use of the site it is reasonable to impose a condition requiring revised landscaping details to be approved for the visibility splay area and to ensure that planting in the splay does not exceed 90cm in height in the interests of highway safety.

Residential amenity

The number of stables on site would not alter (ownership and care/management arrangements would). As approved a manure trailer area was indicated to be provided sufficient to meet the needs of the site but which would require regular emptying. This would likely be undertaken by a licenced waste disposal operator, as indicated by the States Veterinary Officer in relation to the original application in 2021. On this basis however, the potential for undue odour or nuisance arising for the approved equestrian activity on the site will not change as a result of the proposed variation of condition relating to livery operations from the site.

It is not considered that the amenity of neighbouring residents would be affected to any greater degree than would have been the case with the previously permitted commercial indoor arena proposal and would not, alone, warrant the refusal of planning permission. Although the 2021 permission sought to address the matter of external lighting the planning condition did not seek to restrict the hours of lighting associated with the sand school. The additional users associated with a livery

operation would likely increase pressure and demand for evening use however, the use of the lighting for the sand school is currently controlled and any deviation to this (past 8pm) would require further consideration by the Authority.

Impact on landscape character

With no physical changes on site the proposed variation of condition relating to the private use/livery operation of the site would not generate harm to the landscape character of the area.

As outlined above however, the use of the sand school/arena during the evenings and winter months would place additional demand for the use of floodlighting which could impact on the character of the locality. As part of the approved lighting scheme the lighting for the school is limited to 8pm. Any deviation from this would represent a breach of the approved lighting scheme.

Other matters

The application has been submitted in accordance with the requirements of the General Provisions Ordinance.

As outlined elsewhere in the report the number of horses kept on site would not alter and the matter of manure storage/collection has previously been agreed. This would not alter as a result of the proposed variation of condition.

Market forces and the need/demand for another livery facility on the island is not a material planning consideration that can influence the outcome of this application.

Attempting to restrict the use of public land beyond the application site boundary, where riders/owners choose to take their horses on the local road network and the installation of signage or traffic calming on the public highway in connection with the use of the site also cannot be considered as part of this planning application.

The site is being monitored during the ongoing works and the Authority will ensure that the development is implemented and completed as approved.

Conclusions

In view of the above it is recommended permission is granted to vary planning condition 6 of permission FULL/2021/0802. The condition as varied must meet the widely accepted tests for a condition:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and

- vi. reasonable in all other respects.

The wording proposed through the application submission would not meet these tests and as such, the wording has been revised. In addition, a landscaping condition is appropriate and an informative note relating to the limitations of exemption rights for hardstanding.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 16/04/2024

