

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: Erect stable block and storage building to north boundary. (Revised scheme).

LOCATION: Land, Rue De La Petite Hurette, Castel.

APPLICANT: Mr J Le Cheminant

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: 23/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co. Ltd: JLC:23:04/02 & /03.

Application Ref: FULL/2024/0411

Property Ref: D001300000

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. The stables hereby approved shall not be used other than for private recreational use, and shall not be used for livery letting, leasing or any other commercial activity including breeding, giving of riding instruction, gymkhanas, trials or horse shows.

Reason: To safeguard the rural character and amenity of the area.

Expiry Date: This permission will cease to have effect on 23/04/2027 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/2024/0411
Property Ref: D001300000
Valid date: 01/03/2024
Location: Land Rue De La Petite Hurette Castel Guernsey
Proposal: Erect stable block and storage building to north boundary.
(Revised scheme).

Applicant: Mr J Le Cheminant

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).

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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 stables hereby approved shall not be used other than for private recreational use, and shall not be used for livery letting, leasing or any other commercial activity

including breeding, giving of riding instruction, gymkhanas, trials or horse shows.

Reason: To safeguard the rural character and amenity of the area.

OFFICER'S REPORT

Site Description:

The site is located to the west of La Petite Hurette and is an existing agricultural field. The land identified within the red application site outline is elevated and rises gently to the south and down to the north. The adjoining land to the east continues to rise above the application site.

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

Relevant History:

FULL/2023/0923 – Erect stable block, earth bank, fence and gate, hardstanding to east of the site and erect fence to south-west boundary.

Existing Use(s):

28 Agricultural

Brief Description of Development:

This application follows the refusal of the previous application which proposed the enclosure of a small section of the field using an earthbank, along with the erection of a timber stable block (with two stables, trap store and feed store) and new post and rail fencing to the south and western boundaries, with an area of hardstanding to the access track to provide an area of car parking.

This was refused because the field is surrounded by and forms part of a large area of open and undeveloped land within the APA, and the erection of the stables and access track was considered to alter and undermine the open undeveloped rural landscape, resulting in an incursion of built development and harm the open landscape character of the area.

The proposal was considered to conflict with Policy GP1 and OC9, failing to meet the requirements of OC5(A).

The revised application proposes the erection of a timber stable block (with two stables, trap store and feed store) relocated within the eastern corner of the site, adjacent to the site entrance. The application includes no fencing, parking or hard surfacing.

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 GP8: Design

Policy GP9: Sustainable Development

Representations:

Two letters of representation were received, the main points have been summarised below:

- One letter of objection
 - Proposal does not respect landscape character,
 - Loss of undeveloped agricultural land- distinctive feature.
 - Applicant is motivated by convenience and cost saving rather than there being a demand for such facilities,
 - Development will have an adverse effect on the APA.
 - Adverse visual impact
- One letter of support
 - Grazing of horses adds to the rural character of the area
 - Applicant has concern for horses welfare

Consultations:

N/A

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the proposed equestrian use on agricultural land within the APA.
2. The design and visual impact on the landscape character 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 site is located within the Agriculture Priority Area (APA) and this means that Policy OC5(A) is relevant. This states that proposals for development which are not

related to a farmstead or existing agricultural holding will be supported provided that they accord with all other relevant policies of the IDP.

The proposed stables are an equestrian related activity, amounting to an outdoor formal recreation use. 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 (APA), 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”.*

As the site is located within the APA, the previous proposal was not supported by Policy OC9 as the land could clearly positively contribute to commercial agriculture as it is entirely surrounded by and well connected to other agricultural land. The applicant has suggested that the grazing of horses on the land does not amount to a change of use, however while the use of the land for grazing alone would not amount to a change of use, the keeping of horses on the land would involve a change of use which engages Policy OC9.

Although, the relocation of the stables to the edge of the field with the significant reduction in hardstanding is considered to reduce the impact of the proposal on the ability of the land to contribute to the APA, the proposed stable block is not considered to undermine the possible commercial function of the land.

The agent advises that an existing arrangement to stable the two existing horses and store the trap is coming to an end, there is no appropriate alternative livery currently on island and their client has no other alternative than to provide a stable on their land.

Whilst it is understandable that the applicant would want the stables to be located on land under their ownership. The location would therefore only be acceptable should it be demonstrated that there is no harm to the landscape character.

With regard to Policy OC9 parts i) and ii), the stable itself is considered of an appropriate size and scale for the purpose intended, and the ancillary access track and car parking previously proposed has now been removed.

In the previous assessment of the application, consideration was given to reducing the proposed access track by moving the stable closer to the site entrance and it was considered that this would be a more prominent location. The stable has now been re-sited to run along the northeastern boundary of the site, adjacent to the road.

This is well screened by the mature boundary hedging which means that the building will only be partially visible for a short distance when travelling west down Rue de la

Petite Hurette, but the small scale and low ridge height of the building means that this will not be prominent and will be read similar to an agricultural building within an agricultural setting.

The building would also be partially visible in the landscape from Ruelle du Haut Sejour, although this is approx. 0.5km to the west and so is unlikely to appear prominent in the landscape.

The impact on the landscape character and openness of the area, must also be assessed under Policy GP1, which requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

In this case, the field that is the subject of this application is located within the Upland Escarpment as identified in Annex V of the Island Development Plan, and where long views are significant. The field is surrounded by and forms part of a large area of open and undeveloped land. Whilst the stables would not be significantly visually prominent due to the topography of the land and provision of landscaping to mitigate the visual impact, the erection of the proposed stables would not, on balance, alter and undermine the undeveloped and open landscape character of the area due to the removal of the proposed hardstanding, slight reduction in scale/height of the building imposed and position adjacent to the existing field boundary and road. The relocation of the stables to the eastern side boundary prevents the harmful incursion of built development into a wider open and undeveloped landscape.

In conclusion, as considered above, the proposal complies with the requirements of Policy OC9, GP1 and the requirements of OC5(A) to accord with all other IDP policies.

No protected buildings, trees or monuments, or areas of SSS designation are affected by this application, and 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.

Date: 22/04/2024

