

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 6 water trough enclosures (retrospective).

LOCATION: Grace Stables, 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: 02/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Location Plan, Site Plan entitled Water Trough, Typical Water Trough in south field and photograph of trough enclosure.

Application Ref: FULL/2024/0849

Property Ref: A409320000

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 02/07/2027 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/2024/0849
Property Ref: A409320000
Valid date: 03/06/2024
Location: Grace Stables Fort Road St. Peter Port Guernsey GY1 1ZU
Proposal: Install 6 water trough enclosures (retrospective).

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a field on the western side of Fort Road and to the east of Damouettes Lane.

The site is generally grassland and there is vegetation (trees/hedging) along the roadside boundary and along the north boundary with the adjoining field to the north. The site slopes down to the west (rear) and sits at a lower level than Fort Road. An existing vehicular access to the site is situated in the Fort Road boundary, close to the boundary with the adjoining field to the north. There are residential properties to the north, south and across the road to the east and west.

The approved paddock fencing and gates have been installed along with the enclosures to secure the galvanised water troughs and some other timber fencing around the gates which does not accord with the previously approved plans for the paddock fencing.

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

Relevant History:

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

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

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

FULL/2021/0802 - 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 – granted (various variation applications have been submitted since this approval was given)

Existing Use(s):

28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

OC5(B) – OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

Conclusion/Brief comment:

Principle of development

Comments have previously been raised regarding the benefit of the site for arable farming and the use of the site by horses. The site is not located within an Agriculture Priority Area, and provided that the proposed development complies with other relevant policies, Policy OC5(B) does not preclude the change of use or development of agricultural land. It remains the case that the grazing of horses on agricultural land does not, in planning terms, amount to a material change of use for which planning permission is required and there is no requirement for the application to address biodiversity benefits across the site (Strategy for Nature, 2020). The IDP therefore, makes provision for the development as outlined in this submission.

Impact on character and appearance of the area

The IDP sets out that outdoor formal recreation relates to uses such as sports pitches, equestrian related activities, motor sports, golf etc. and that informal leisure and recreation relates to uses such as civic spaces, woodlands, cliff paths, commons, parks and gardens etc. The division of the site into paddocks for grazing would represent an equestrian related activity for the purpose of OC9.

Planning permission was not required for the water troughs necessary to serve the paddocks previously approved however, the enclosures around these troughs do not represent exempt development as they do not meet the exemption criteria for

fencing on agricultural land. The development is considered proportionate to the nature and scale of the equestrian related facilities approved for the site in line with Policy OC9.

The site is located in a plateau landscape character as identified in Annex V of the IDP which is made up of the western, central and south-eastern Plateau, a landscape type made up by a web of hedges, banks, hedgerow trees and treelined lanes which enclose numerous small pastures. The site forms part of the south-eastern Plateau (St Peter Port to St Martin) and its character is established development interspersed with open fields and large mature gardens and complemented by a cover of garden, hedgerow and roadside trees. The field is situated amongst primarily residential development with properties situated to the immediate west, south and on the opposite side of Fort Road to the east and also across the adjoining field to the north which reflects the description of character in the IDP. The area does not have an open landscape character given the urban development surrounding it, although the field does form a break in development.

When considering Policy GP1: Landscape Character and Open land the proposed trough enclosures would not undermine the landscape character type, of development interspersed with fields, as the field would remain, albeit divided into smaller paddocks. The proposed works would not result in the unacceptable loss of specific distinctive features that contribute to local distinctiveness nor undermine visual access to this open land in line with the aims of Policy OC9, GP1 and GP8 c. of the IDP.

The appearance and materials proposed for the works across the site represent a good standard of design in line with Policy GP8.

Impact on residential amenity

The works would not have a detrimental impact on residential amenity with regard to privacy and overshadowing.

The matter of proximity of keeping/grazing horses to residential properties has previously been addressed and will not be revisited as part of this application.

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.

Recommendation:

Grant with Conditions



Date: 02/07/2024

