

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: Change of use of agricultural land to an Equestrian Recreation Facility (sui-generis) (37,150sqm). (Retrospective).

LOCATION: British Show Jumping Association, Aeroplane Vinery, Chemin Le Roi, St. Martin.

APPLICANT: BS Guernsey

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: 12/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve De Vial & Co. Ltd: Site Location Plan

Application Ref: FULL/2024/0910

Property Ref: J007690000 + J00769A000 + K007190000

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 12/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This decision relates only to the change of use of land as outlined in the description of the proposal set out above. It does not permit any alteration, extension, rebuilding or extension to any of the buildings on the site nor for any other structures, fencing etc that have been placed on the land. Such works may be immune from enforcement action through the passage of time however, the works may remain unlawful. To retain, extend, alter or replace buildings and other operational development on site will require a separate grant of planning permission or the approval of a Certificate of Lawful Use (in relation to the use of existing buildings/structures on the site e.g. club house, storage of jumps etc within buildings).

This permission does not confer any permission for external lighting at the site. Should a planning application for any external lighting/flood lighting be submitted a lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent

dwellings.

8. information that seeks to address how a lighting scheme has been designed so as to manage potential nuisance in close proximity to the airport.

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/2024/0910
Property Ref: J007690000 + J00769A000 + K007190000
Valid date: 21/05/2024
Location: British Show Jumping Association Aeroplane Vinery Chemin Le Roi St. Martin Guernsey
Proposal: Change of use of agricultural land to an Equestrian Recreation Facility (sui-generis) (37,150sqm). (Retrospective).
Applicant: BS Guernsey

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

INFORMATIVES

This decision relates only to the change of use of land as outlined in the description of the proposal set out above. It does not permit any alteration, extension, rebuilding or extension to any of the buildings on the site nor for any other structures, fencing etc that have been placed on the land. Such works may be immune from enforcement action through the passage of time however, the works may remain unlawful. To retain, extend, alter or replace buildings and other operational development on site will require a separate grant of planning permission or the approval of a Certificate of Lawful Use (in relation to the use of existing buildings/structures on the site e.g. club house, storage of jumps etc within buildings).

This permission does not confer any permission for external lighting at the site. Should a planning application for any external lighting/flood lighting be submitted a lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
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8. information that seeks to address how a lighting scheme has been designed so as to manage potential nuisance in close proximity to the airport.

OFFICER'S REPORT

Site Description:

The application site is situated to the north of Chemin le Roi with areas for vehicle/horsebox parking to either side of the main gate. A secondary access is situated to the east of the south site boundary. An access way runs north/south on the site with further parking (generally utilised for horsebox parking on event days) in the northwest corner of the site. There are three arenas on the site, one to the west of the access and two to the east, one of which has an 'all weather' surface installed along with a sand school which is located in the northeast corner of the site. There is a cluster of buildings/structures between the access way and eastern arenas.

At the time of the officer site visit there were various judging/commentary boxes/trailers across the site, a double decker bus, external storage of jumps etc., a marquee, kiddies play area, picnic area with picnic tables, the remains of a block of temporary stables and a recently erected small block of temporary stables.

The site is located Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan. The site is also situated within the Airport Consultation Zone.

Relevant History:

Pre-application advice was sought in this case.

FULL/2014/1422 - Change of use of agricultural land to recreational land (the front part of the site, including the buildings to the north and west of the sand school) – refused.

PAPP/2004/3008 - Lay an all weather equestrian riding surface – granted

PAPP/2003/2775 - Variation of condition limiting number of equestrian events – granted condition 2.

Buildings that remained on the site from its former horticultural use have been repaired and brought back into use in connection with the BSJA.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application seeks the retrospective change of use of agricultural land (37,150sqm) to an equestrian facility (the British Show Jumping Association BSJA). Equestrian activities and development have been carried out on this site for more than 40 years when the aeroplane vinery was purchased in 1984.

The submission sets out that the land is no longer required for agricultural purposes and the facility is in huge demand with more than 200 members currently. The site is well positioned in terms of the island road network and will not impact on the vitality of the Centres. The submission has also been accompanied by various supporting letters.

The application relates to the change of use of land only and not to other built and operational development that has occurred on the site. These features are not incorporated into the application description nor has a fee been paid for built floor area, the siting of trailers, commentary bus etc on the site or fencing such as that around the children's play area etc.

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

Island Development Plan policies:

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

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP17: Public Safety and Hazardous Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Guernsey Farmers Association – as this facility has been in operation and the loss of agricultural land from within the APA has been ongoing for some 40 years, the Guernsey Farmers Association has no objection to its continued use as an equestrian facility. The facility itself contributes positively to the Island's equestrian community and is not for private use and this continued use is supported by the GFA.

As with horticultural greenhouse sites built upon agricultural land, there is the condition that on cessation of horticultural use the land is returned to agricultural use. The GFA would like to see this condition continue to be applied to the BSJA site to prevent the site from being developed on in the future.

Office of Environmental Health and Pollution Regulation – have reviewed the retrospective planning application regarding the proposed change of use of from agricultural land to an equestrian recreation facility. There is currently insufficient information for me to comment fully on the application.

I note on the document entitled Photo Sheets that 'View 15' possibly shows lighting equipment, however the application does not include any information relating to lighting across the site. I therefore have concerns that any lighting installations may impact the amenity of nearby residents. I would ask that further information is submitted about the lighting across the site so that I can assess whether this is likely to disturb residents. I would ask that the following is submitted:

- Plan showing locations of lighting
- Positioning of lighting
- Proposed hours of operation of lighting
- How lighting will be operated (manual or timer).

I would be grateful if these issues are considered during the determination of this application.

Guernsey Airport – No comments received at point of determination. No objections were received in relation to the proposed change of use of land when the 2012 application was submitted (also noted in the 2014 application report). In relation to the 2002/5380 application it is noted that there were no comments from Guernsey Airport “but would wish to comment if, at some time in the future, application is made for physical structures to be placed on the site with particular reference to floodlighting”.

Traffic and Highway Services – considered the 2014 application for the change of use of agricultural land to recreational land. Although a number of concerns were raised in relation to road safety and traffic management concerns it was noted that in the direction of oncoming traffic drivers could ‘stretch’ to see over the existing bank and with an existing sign board relocated to outside the visibility splay these concerns could be managed. It was also acknowledged that vehicles used for the transport of horses often provide an elevated seated position, and so visibility, for drivers. In terms of traffic from the east (direction of Rue Sans Nom) the roadside earthbank and vegetation obscured visibility but it was considered that with the vegetation in the splay area managed and reduced to a maximum height of 900mm there would be satisfactory visibility in this direction.

The traffic management concerns raised primarily related to the passing of vehicles within the site and it was recommended that passing places be provided. Some concerns were raised regarding the possible increased number of larger vehicle movements associated with the sites use given that all access to the site is via a network of small, single file roads and in relation to the difficult vehicle egress onto the major roads but acknowledged that for larger events BSJA arranges for special traffic management to be put in place (temporary one way). This assists with traffic flow and reduces traffic exiting from a difficult egress point. The assessment noted that the current/recent historic use of the site has not raised any significant traffic related issues and with the signage/vegetation adjusted and changes to the internal roadway/passing places addressed there would be no significant traffic grounds on which to oppose a future application.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the impact of the proposals on the Agriculture Priority Area, the character and appearance of the open landscape concerned, on residential amenity and highway capacity/safety.

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.

Although permission has previously been refused for the change of use of land for recreational purposes it must be noted that since that time the Rural Area Plan has been superseded by the Island Development Plan and there has been a material change in the policies against which an application must be considered.

Furthermore, the site has remained in active use for equestrian purposes, this is evident in the aerial photographs of the site which shows equestrian uses since the gradual removal of glass after 1979 to the present day.

The site currently contains three arenas (Alexander Plumbing, Gower and Clegg Gifford) and a sand school plus a building housing the clubhouse and toilets, a workshop/store a second store and a land management store. These buildings were present on the site when the land was utilised as a vinery, visible in the 1979 aerial photograph. A mobile canteen is noted on the plans along with a picnic area and kiddies corner.

The application relates specifically to the change of use of agricultural land to provide an equestrian facility and does not include any operational development that has been carried out on the site without the specific grant of planning permission, such as the change of use of the horticultural/agricultural buildings referred to above, the kiddies corner and permanent siting of the double decker bus/commentary boxes, tiered seating etc. no assessment of the use of buildings nor their impact on the character of the open landscape with regard to Policy OC9, and other relevant policies has therefore been undertaken.

Many of the structures etc referred to above would now likely be immune from enforcement action through the passage of time but would not result in these buildings and other structures becoming lawful development. Replacement of such structures would require planning permission as would be considered as new developments on the site. It would, however, be open to the applicant to regularise the operational development that has taken place over a considerable timeframe through the submission of further planning application(s).

Policy OC5(A) which relates to Agriculture Priority Area (APA) land Outside of the Centres makes provision for development not related to an agricultural holding where all other relevant policies are satisfied. This offers a gateway for the change of use proposed.

The proposed change of use relates to an equestrian facility which, for the purpose of the IDP represents Outdoor Formal Recreation (equestrian related activities) which falls to be assessed against Policy OC9. The policy states that new outdoor formal recreation may be supported where ancillary built development is proportionate to the nature and scale of the use and visual impacts of such development can be mitigated to respect the character of the locality. With regard to development in the APA it must be demonstrated that the land cannot positively contribute to commercial agriculture/cannot practically be used without adverse environmental impacts.

The land does fall within the Agriculture Priority Area (APA) and although previous developments were permitted on the basis that the land could readily be reverted to agricultural use in the future there is evidence of likely equestrian activity on the site since 1990 or earlier and with all horticultural activity/glasshouses having been removed by 2009. Over that 19-year period the equestrian related activities had expanded. The land has not been available for agricultural purposes therefore, for, at least, between 15 and 30 years. It is also noted that, in the past, the land was made available for grazing between equestrian events but that demand for this fell away. There does not appear to have been any adverse impact on commercial agriculture on the island, the GFA raises no objections (although a condition is recommended regarding reversion to agriculture) to the proposals and in this regard Policy OC9 is satisfied.

With regard to the various arenas, two of these are grass only, the sand school and all-weather arena were designed and constructed so as to allow the recognised agricultural use of the land to be reinstated at any time and this remains the case. The arenas, with their various different surfaces, do not appear out of keeping in this rural location. The scheme for change of use of land is therefore satisfactory in terms of Policies OC9, GP1 and GP8 of the IDP.

The BSJA have used the site for many years and as noted in 2014 this has not generated any “significant traffic related issues”. The BSJA has actively sought to manage traffic on the local road network for significant events. The use of the site by the BSJA accords with Policy IP9 with regard to highway safety and the capacity of the local road network.

The suggested planning condition relating to the reversion of land to agriculture is noted however, in granting a permanent permission for a change of use away from agriculture to require it return only to that use at some future point in time would not be reasonable. This would not preclude agricultural uses returning to the site but the imposition of such a condition at this time could prejudice future applications for development on the site (e.g. lighting with underground cabling which could then impact on arable farming prospects prior to removal).

Planning Service is mindful that there have been equestrian activities ongoing on this site for a considerable length of time which could also result in the submission of a Certificate of Lawful Use application (for the use of land) which would allow an

unrestricted equestrian use to operate from the site. In this particular case, no additional planning conditions relating to use are deemed necessary. Concerns have been expressed by OEHPR regarding flood lighting/external lighting, details of which have not been provided/specifically applied for as part of this application. For the avoidance of doubt, it is reasonable to highlight that a separate planning application will be required for any external lighting.

The site sits within a Public Safety Area due to its relationship with the airport and falls within the Airport Consultation Zone where development should not inhibit or interfere with the safe and effective operation of the airport. Given that this site has not been used for agricultural purposes for a significant length of time and the retrospective proposals for the change of use of land effectively seeks to regularise the existing situation the proposals would not affect the safe operation of the airport nor result in any new congregation or new activities within this designated area. Although the IDP makes specific reference to lighting which could dazzle or distract pilots there is no new external lighting proposed as part of this application and any flood lighting, would need to form part of a separate planning application where the necessary consultation can be carried out.

In view of the above, it is recommended permission is granted for the proposed change of use of land.

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: 09/08/2024

