

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 temporary stables to south boundary (retrospective) (revised scheme).

LOCATION: Land Adjacent to, Le Gardinet, Ruelle Des Cherfs, Castel.

APPLICANT: Mr & Mrs J Regnard

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: **24/01/2025**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2355/03.01B, 03.02B, 03.03B & 03.04A

Application Ref: FULL/2024/1045

Property Ref: D013150000

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 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.

3.This permission is given for a limited period of 3 years, expiring on 22/01/2028, by which time the stables and associated hard standing hereby permitted shall be removed and the land reinstated to its former condition as agricultural land, within 3 months of its removal, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The development is required to meet a declared short term need. The site is within an Agriculture Priority Area and the retention of the stables on a permanent basis would not accord with Policy OC9 part (iii).

4.The stables hereby permitted shall be used only by the occupants of the adjacent dwelling Le Gardinet. Any use by a person not residing at Le Gardinet, or in connection with a trade or business, would require a separate grant of planning permission.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 24/01/2028 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/2024/1045
Property Ref: D013150000
Valid date: 14/06/2024
Location: Land Adjacent to Le Gardinet Ruette Des Cherfs Castel
Guernsey
Proposal: Erect temporary stables to south boundary (retrospective)
(revised scheme).

Applicant: Mr & Mrs J Regnard

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 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.

3. This permission is given for a limited period of 3 years, expiring on 22/01/2028, by which time the stables and associated hard standing hereby permitted shall be removed and the land reinstated to its former condition as agricultural land, within 3 months of its removal, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The development is required to meet a declared short term need. The site is within an Agriculture Priority Area and the retention of the stables on a permanent basis would not accord with Policy OC9 part (iii).

4. The stables hereby permitted shall be used only by the occupants of the adjacent dwelling Le Gardinet. Any use by a person not residing at Le Gardinet, or in connection with a trade or business, would require a separate grant of planning permission.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Site Description:

The site consists of an area of agricultural land comprising of a series of agricultural fields with an agricultural building to the east of the site and an agricultural building along the south boundary. The site is situated within an Agriculture Priority Area and is Outside of the Centres.

Under the same ownership to the west is a traditional farmhouse and outbuildings of varying age including stable blocks. The farmhouse and an outbuilding is a protected building.

Relevant History:

FULL/2024/1740 – Application pending to install hardstanding to create agricultural tracks to south and east of site (retrospective).

15/01/2025 - FULL/2024/1732 – Permission granted to erect retaining wall on agricultural land (retrospective).

15/01/2025 - FULL/2024/0983 – Permission granted to demolish existing agricultural building, erect replacement agricultural building/store to south boundary.

28/08/2024 - FULL/2024/1047 - Application refused to erect gates to agricultural field to north (roadside) and internal field boundary to east and west of site (retrospective).

24/11/2023 – FULL/2023/1439 – Application refused to erect 2 stables to east of site for a temporary period.

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27/06/2024 - FULL/2023/1434 – Permission granted to demolish stables and outbuildings and erect stables to east of existing stables (revised) (Protected Building).

24/11/2023 - FULL/2023/1442 – Application refused to extend existing sand school to east.

07/02/2023 – FULL/2022/1053 – Permission granted to extend and alter existing stables and erect wall and gate (Protected Building).

04/05/2021 - FULL/2020/0688 – Permission granted to install private sand school and erect fencing and gates (Retrospective).

05/06/2020 - FULL/2020/0252 – Permission granted to erect canopy on existing stable and outbuilding (retrospective) and erect 2 stable blocks.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Retrospective planning permission is requested to erect 2 stable blocks accommodating 6 stables along the south boundary of the field for a temporary period of a maximum of 3 years.

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 GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

Two representations objecting to the application were received, main points as follows:

- Concerned about the amount of development being undertaken on agricultural land and the loss of agricultural loss for horses.
- Notes previous application for stables was refused due to loss of agricultural land but despite this the stables have been constructed.

- Raises concerns about the access to the site via Les Cherfs Lane and the size of vehicles accessing the site.
- No details are provided about water management, questions how the development will affect drainage and existing flooding problems in the area.
- Concerned about the loss of the woodlands to the rear of the site and the impact on wildlife.
- No supporting information is provided about the vets advice.
- The use of 2 units with 6 stables is excessive.
- Concerned about noise from any powered ventilation system.
- The size of the existing stables is adequate to house animals for personal use, including young animals.
- All fields have a history of farm/pasture/grazing/hay production use.
- Recent developments is resulting in the site being overdeveloped.
- There is regular uncontrolled use of artificial lighting on the site which detracts from the local setting.
- Extent of plans overall suggests the development is not for personal use but is part of a progressing commercial operation.
- Concerned about 3 mobile horseboxes being kept on the site, including 1 parked alongside these temporary stables, and the resultant visual impact.
- There is an existing stables to the east of the field that could be used.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the proposed equestrian use on agricultural land within an Agriculture Priority Area.
2. The impact on the landscape character and openness 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).**

Planning permission was refused to erect 2 stable blocks accommodating 6 stables in November 2023 (FULL/2023/1439) on account of the loss of agricultural land within an Agriculture Priority Area. This current application is for a similar scheme to erect 2 stable blocks accommodating 6 stables but it includes additional information and clarification about the need for including the temporary nature of the stables.

The agent and applicant advises that the stables are required to house the applicants existing horses during and away from building works on the site, particularly during the construction of a new stable block which was approved in June 2024 (FULL/2023/1434). It is advised that eventually all horses will be housed within the approved stables or other stables within the curtilage of the dwelling. It is noted that the stables are on skids and are fully moveable once works to the main house and the new main stables are completed. A 3 year time frame is requested in order to provide sufficient time to complete the construction of the main stables. In addition, the agent advises that the nature of the existing building to the east is not suited to be used as a stables and is not setup to house horses in terms of hygiene and waste management.

The proposal to erect 2 stables falls to be considered principally under Policies OC5(A), OC9 and GP1 of the Island Development Plan. The proposed stables is an equestrian related activity, constituting an outdoor formal recreation use as set out under Policy OC9. Where development is designed to meet a recognised demand, 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, 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 part of the assessment of the previous application to erect a new stable block approved in June 2024 (FULL/2023/1434) it was set out that the stables would be for the personal use of the applicant and their family and would not be for commercial or third party use. The current proposal seeks to house the applicants existing horses during and away from building works on the site and the information submitted is sufficient to demonstrate a recognised demand for the facility.

The siting of the stables along the south boundary would limit its prominence from public view. The stables would be visible from Ruelle des Cherfs to the north at a distance of approximately 100m. However, from this viewpoint it would be seen in context with the adjacent agricultural building and it would be viewed against mature tree planting to the south. As a result, the erection of stables for a temporary period would not have a significant adverse effect on the character and openness of the area.

The site is located within an Agriculture Priority Area. The land is largely flat, it is bounded by agricultural land to the east and west and it forms part of a large area of contiguous agricultural land. No information has been submitted to demonstrate that the land could not be used for commercial agriculture. The Guernsey Soil and Land Classification survey of 1988 classified the land in question as good quality agricultural land.

However, based on the information submitted, the proposal is for a declared short term need during building works and there would not be an on-going need for stables in this location once the approved stables (FULL/2023/1434) have been completed. The stables and associated hard standing is relatively limited in size and is entirely reversible so that there would be no permanent loss of agricultural land beyond the 3 year temporary period requested. The agent has requested a minor departure from part (iii) of Policy OC9, and on the basis of the limited scale and temporary nature of the proposal, on balance it is considered that the proposal can be considered as a minor departure.

Due to the distance to neighbouring dwellings, the proposed stables are unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Due to the distance to the protected building to the west, the proposed stables would have no adverse effects on the setting of the protected building.

Due to their scale, siting and nature, the stables and associated hard standing is unlikely to have a significant adverse effect on drainage. Due to the use of the stables for the personal use of the applicant and their family and not for commercial or third party use, the likely infrequent use of large animal transporting vehicles is unlikely to result in any significant road safety or traffic management concerns. The comments in the letter of representation regarding other works undertaken in the fields and the use of artificial lighting are not relevant to this current application.

The site is not within an Area of Biodiversity Importance and the erection of temporary stables by themselves is unlikely to have a significant adverse effect on biodiversity.

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.

It is recommended that the application is approved.

Date: 22/01/2025

