

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 and hardstanding on agricultural land to north-east boundary.

LOCATION: Field, To Rear of The Elms, Rue De La Cache, St. Sampson.

APPLICANT: Mr & Mrs M Collenette

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: 14/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3873: Location Plan 1/1250 Scale; Block Plan 1/500 Scale, Block Plan 1/100 Scale, Floor Plan, Elevations.

Application Ref: FULL/2024/1046

Property Ref: B01509A000

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.No development shall begin on site until details of the cladding for the walls and roof of the stables hereby approved have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed materials. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

5.No development shall begin on site until details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed manure storage/disposal. This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

Expiry Date: This permission will cease to have effect on 14/08/2027 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/2024/1046
Property Ref: B01509A000
Valid date: 19/06/2024
Location: Field To Rear of The Elms Rue De La Cache St. Sampson
Guernsey
Proposal: Erect stable and hardstanding on agricultural land to north-east boundary.

Applicant: Mr & Mrs M Collenette

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).

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. No development shall begin on site until details of the cladding for the walls and

roof of the stables hereby approved have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed materials. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

5. No development shall begin on site until details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed manure storage/disposal. This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

OFFICER'S REPORT

Site Description:

The application site comprises a 6600sqm open field located to the east of Rue de la Cache and accessed from that road in the north-west corner. The site is bounded by a residential property to the north (falling within the same ownership), which is set at a higher level than the application site and is separated from it by a low wall and some planting. The curtilage on that property is set away from the shared boundary. A separate residential property is also located to the north-east, including the dwellinghouse and adjacent outbuilding to the west, both located within the domestic curtilage of the property, and an agricultural building located to the south, falling outside of the recognised curtilage. That property is at a slightly lower level than the application site and is separated from it by robust planting. A further residential property is located to the south of the site. La Cache Farm, comprising a mix of uses, is located across the road to the west.

The site is located Outside of the Centres within the Island Development Plan, and adjoins a Conservation Area along its north boundary.

Relevant History:

None relevant.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to erect a 7.5m x 4.4m x 3.3m(high) stable, tack room and store for equipment associated with the equestrian use and maintenance of the land, on a concrete slab in the north-east corner of the site. The stable would be constructed from timber, with timber cladding and finished with an onduline roof, colour to be confirmed.

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

OC9 Leisure and Recreation Outside of the Centres
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the proposed plans for The Elms Rue De La Cache which were received by email on the 8th August 2024 and there are a number of issues of concern that I must raise. I note from the application documents that the development is for small scale private equestrian use and also for a modest store to house the field maintenance equipment and machinery. From the drawings I see that there are a number of residential properties in close proximity to the field. As such, I would like to recommend a condition to control the use of this field maintenance equipment in an effort to prevent noise nuisance to these neighbours. Please see below.

Hours of operation of plant/machinery

- The hours of operation of the field maintenance machinery should be limited to between 08:00 hours and 18:00 hours on weekdays (Monday – Friday) and Saturday 08:00 to 13:00. No field maintenance machinery should be used on Sundays or public holidays.

I also would like to take the opportunity to provide some advice on animal manure that I would assume is likely to be stored on site from the daily mucking out of the stable. This should be stored as far away from other properties as possible. This is in an effort to prevent odour complaints and also prevent complaints of possible

statutory nuisance from flies. Should complaints be justified, the Office of Environmental Health and Pollution Regulation would seek to take action under the Public Health Ordinance, 1936.

Summary of Issues:

Impact on visual amenity, openness and the character of the area;
Impact on neighbour amenity.

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).**

Rising land to the north and robust boundary planting to the south of the west boundary will prevent any long views of the proposed stables and public views would be limited to through the gate in the north-west corner and in glimpses over the roadside hedging immediately to the south of that gate. Given the limited size of the stables and set back in the north-east corner of the site, subject to the use of appropriate external materials, any impacts in these views would be extremely limited.

The proposed stable is of sufficient size for a single horse, proportionate to the size of the land holding and would not be of sufficient size to be used for commercial livery. The stable has been positioned to minimise any potential impacts on visual amenity, character of the area or openness. The site does not fall within an Agriculture Priority Area.

The stable would be positioned towards the adjoining residential property to the north-east, however would be orientated away from that property, set at a higher level and separated from it by robust planting. Taking this into account and, subject to the appropriate storage of manure, no objections being raised the Office for Environmental Health and Pollution Regulation, any impact on neighbours would not be such as to warrant objection to the application.

In respect of the OEHPR comments regarding limiting the times at which field maintenance can occur, it is noted that this can occur without limitation at present and the presence of a small equipment store would not justify placing any planning restrictions in respect of field maintenance. It is also noted that, should any nuisance arise from any intensification of use of machinery at the site, this could be controlled under the Public Health Ordinance, 1936.

Overall the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended. Given the limited

impacts arising, it is not considered necessary to require removal of the building should the requirement for stabling fall away, and the structure could continue to be used for agricultural purposes ancillary to the use of the land.

Date: 13/08/2024

