

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 packing shed to Equine Assisted Psychotherapy Clinic, erect extension to east (front) and south (side) elevations, install cladding and alterations to fenestration. Install hardstanding, remove section of earthbank to create gated agricultural field access to west boundary.

LOCATION: Outbuilding at Queux Lane, Les Queux Lane, Castel.

APPLICANT: Lily Limited

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: 08/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 24-1534 PD/01A & PD/02

Application Ref: FULL/2024/1082

Property Ref: D00718B003

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 premises shall be used only as an Equine Assisted Psychotherapy centre, and for no other purpose whatsoever, including any other purpose in Use Class 18 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

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.

5. The development shall be carried out only in accordance with the details and specifications regarding number of visitors, number of appointments a day and proposed hours of operation, as included in the submitted application received by the Planning Service.

Reason - To make sure that the use takes the form agreed by the Authority and thus results in a satisfactory form of development.

6. No external lighting shall be installed on the site. If external lighting is required, details of external lighting shall be subject to a separate Planning application and assessed in accordance with the relevant Development Plan Policies at the time of submission.

Reason: To protect the appearance and character of the area and environment from light pollution.

Expiry Date: This permission will cease to have effect on 08/10/2027 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/2024/1082
Property Ref: D00718B003
Valid date: 27/06/2024
Location: Outbuilding at Queux Lane Les Queux Lane Castel Guernesey GY5 7DP
Proposal: Change of use of packing shed to Equine Assisted Psychotherapy Clinic, erect extension to east (front) and south (side) elevations, install cladding and alterations to fenestration. Install hardstanding, remove section of earthbank to create gated agricultural field access to west boundary.
Applicant: Lily Limited

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.

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Reason: To protect the appearance and character of the area and environment from light pollution.

OFFICER'S REPORT

Site Description:

The application site comprises a parcel of land to the north-west of Queux Garden Centre. The packing shed building, the subject of this application, sits fairly centrally within the site.

The site is located Outside of the Centres and is within part of an extensive Agriculture Priority Area (APA) as designated under the Island Development Plan (IDP).

Relevant History:

N/A

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

This application seeks permission for the change of use of the former packing shed/storage building to provide an admin and storeroom for the operation of an Equine Assisted Psychotherapy business from the site.

The proposal involves encapsulating the asbestos, and plying the internal structure which will allow for some insulation. The aim is to make the building weatherproof, with no requirement to heat the premises as it is to be a functional building with a lower requirement for conversion than if it were to be used as a dwelling.

Two extensions are proposed to the east and south elevation, in order to provide a porch and observation area. The proposal also includes a dedicated parking space to the north of the building and a new field access and gate to the field immediately to the west of the site, which is also within the applicant's ownership.

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

Island Development Plan

OC2 – Social and Community Facilities Outside of the Centres

GP1- Landscape Character

GP8 – Design

GP16(A) – Conversion of Redundant Buildings

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

N/A

Consultations:

N/A

Summary of Issues:

- Principle of development
- Impact on local 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).**

Principle of development

The application site is located within the APA which means that Policy OC5(A) is relevant, however as the application building is not in an agricultural use or related to a farmstead or existing agricultural holding, the proposal is supported by OC5(A).

The application proposes the use of the building as an equine assisted psychotherapy business, which utilises the applicants therapy ponies which live close by to provide a structured program for people with autism, behavioural challenges, mental health problems, and those seeking to improve their physical wellbeing, and social skills. The building itself is to be used as a transitional space, for shelter and to discuss pre and post equine psychotherapy sessions. A changing room with accessible WC is proposed, along with equipment storage, the observation room is to be used by parents/guardians during the session. The sessions are conducted on a one-to-one basis with no more than 4 visitors at any one time, with two sessions each day (morning and afternoon) from Monday to Friday. This is considered as a public amenity use for non-residential health/welfare services (use class 18) for the purposes of the IDP.

This means that Policy OC2 is engaged, this permits new social and community facilities, such as health clinics and community centres, only where it can be achieved through the conversion of a redundant building, in accordance with Policy GP16(A).

The conversion of the existing building is supported by Policy GP16(A) where it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The aerial photographs indicate that the building was likely to have originally been constructed for use as a packing shed in conjunction with the surrounding glasshouses. Its last known use was for storage in connection with the lawful use of the remaining glasshouses, now in use as Queux Plant Centre. The application and accompanying letter from Queux detail how better storage facilities are available within the main plant centre buildings which are more secure and accessible, which means that the building has been unused for many years. It is therefore accepted that the building is no longer required for its last known use, and is therefore considered redundant.

Policy GP16(A) also requires the existing building to be of sound and substantial construction, capable of conversion without extensive alteration or rebuilding. The application is supported by a structural report which concludes that with certain

minor works to facilitate the new use, the building will be structurally sound and fit for its intended purpose, and that no structural work is required. The report is based on the proposed change of use to a safe and dry therapy building, and not conversion to a habitable structure, for which it concludes would be difficult to justify without significant and substantial structural intervention.

The proposal also meets the requirement of GP16(A) that the conversion will result in the establishment of a social and community use, in addition there are no protected buildings or buildings of character in the vicinity which could be affected by the conversion.

The conversion and ancillary developments, such as the new field gate, small section of earthbank to be removed and new area of hardstanding is not considered to have an unacceptable adverse impact on the character and openness of the landscape, it is likely that it will in fact improve the visual amenity of the building and result in an enhancement due to the new landscaping. It is also not considered likely to have an adverse impact on the amenities/enjoyment of neighbouring properties as there are no residential dwellings in close proximity, and the change of use is also not anticipated to result in any additional noise or disturbance above that which could be reasonably expected if used as part of the Plant Centre.

The proposed conversion includes two small scale, single storey extensions to the building, and these comprise the proposed porch and an observation area. It is not considered that these, at approx. 16% increase in floor area, are more than a modest extension and nor do they constitute significant works when considered against the other minor changes proposed to the existing building.

Impact on residential amenity

As considered above, the proposed use is considered to represent a much less intensive use of the packing shed than could potentially have been the case when the site was operating in connection with Queux Plants, and as such there should be no significant adverse impact on the amenity of any neighbouring residential dwellings.

Other matters:

The existing, primary access is onto Queux Lane, with a right of access through the Plant Centre to Rue du Preel. The proposed use of the building will only attract a low number of visitors to the site, and so the proposed access and parking is appropriate and will conform with Policies IP7 and IP9.

Conclusion

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.

As set out above, the proposed change of use is considered to comply with all relevant policies of the IDP and approval is recommended, subject to conditions.

Date: 24/09/2024

