

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 domestic garden (retrospective) (109sqm).

LOCATION: Courtil De Haut Farm House, Les Grandes Capelles Lane, St. Sampson.

APPLICANT: Stables Property Ltd

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: 20/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3889 SV01

Application Ref: FULL/2024/1218

Property Ref: B012090000+B012100000

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.

Expiry Date: This permission will cease to have effect on 20/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the hereby approved extension of domestic curtilage relates to the green area outlined on drawing 3889 SV01. The red area outlined on drawing 3889 SV01, which partially includes a Sand School, is recognised as agricultural land.

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/2024/1218
Property Ref: B012090000+B012100000
Valid date: 10/07/2024
Location: Courtil De Haut Farm House Les Grandes Capelles Lane St. Sampson Guernsey GY2 4UT
Proposal: Change of use of agricultural land to domestic garden (retrospective) (109sqm).

Applicant: Stables Property Ltd

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.

INFORMATIVES

For the avoidance of doubt, the hereby approved extension of domestic curtilage relates to the green area outlined on drawing 3889 SV01. The red area outlined on drawing 3889 SV01, which partially includes a Sand School, is recognised as agricultural land.

OFFICER'S REPORT

Brief Description of the site:

The property includes a detached dwelling, known as 'Courtil de Haut Farmhouse' which is located to the east of Les Grandes Capelles Lane and the area surrounding comprises residential properties, with open fields beyond. Land within the ownership of the occupier is used for equestrian activities and associated stables to the north and east of the site.

An area of agricultural land lies directly south of the farmhouse and a sand school to the south-east of the dwelling.

The sand school does not form part of this application, despite being included on the land parcel outlined in red.

A certificate of lawful use was refused earlier this year (2024) to regularise the use of land to the south of the farmhouse as domestic garden (1,000sqm). Insufficient evidence/documentation was submitted to demonstrate on the balance of probabilities that the area of land has been used for domestic purposes ancillary to the use of Courtil de Haut Farmhouse for a continuous period of more than 4 years since the Authority were first made aware of the change of use, or for a continuous period of more than 10 years.

Planning permission is now sought to retrospectively extend the domestic curtilage associated with the dwelling, in order to encompass the unauthorised swim spa to the rear of the dwelling. The retrospective area of domestic curtilage is approximately 109sqm.

The application site is situated Outside of the Centres as designated in the Island Development Plan. The site is not located within an Agricultural Priority Area.

Relevant History:

Cadastre reference: B012100000.

CLU/2023/2498	Regularise use of section of agricultural land to domestic garden (1,000sqm)	Refused
PREA/2020/2134	Install swim spa pool.	Pre-application enquiry

Cadastre reference: B012090000.

FULL/2017/1083	Change of use of agricultural land to extend the curtilage, relocate earthbank and install horse walker.	Granted
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Existing Use(s):

Agricultural land. Land outlined in red partially includes a sand school.

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒**Policies considered most relevant:**

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

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP1 and GP15 are considered below.

The existing recognised domestic curtilage to the south of the house is very limited.

The retrospective extension of domestic garden is located to the south of the dwelling and is limited in size in order to encompass the area of hard surfacing and swim spa, which have both been installed without planning permission (although has been granted a building license).

Due to the mature hedges which are located along the west boundary of the site, views of the] extended domestic curtilage are fairly restricted to glimpsed views. It is however recognised that landscaping is subject to change over time.

From spatial analysis perspective, the land does positively contribute to a wider area of open land in an easterly direction i.e. when viewed in context with the sand school (agricultural land) and the fields beyond. However, the land can also be considered to follow the wider ribbon development to the east of Les Grandes Capelles Lane, in a north-south direction.

Taking into account both its negligible visual contribution to openness, and its limited spatial contribution to wider open land, and that the land is not located in an

Agricultural Priority Area, the retrospective extension of curtilage is acceptable under the provisions of both OC5(B), GP1 and GP15.

Given the limited size of the extended curtilage and the limited visual access from Les Grandes Capelles Lane, there would be no justifiable reason to restrict the homeowner's rights to carry out exempt works (under the Exemptions Ordinance 2023) on the extension of curtilage.

Due to the change in materials and physical step between the existing unauthorised patio area and the agricultural land to the south, there is no reason in this particular case to require further demarcation between the two land uses (i.e. domestic curtilage and agricultural land), such as a new hedgerow or earthbank.

The application is not proposing to remove any established boundary treatments.

The development proposed would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 13/08/24