

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: Erection of stable block to north boundary of Les Courtes de Haut, La Miellette Lane.

LOCATION: Les Courtes de Haut, La Miellette Lane, Vale.

APPLICANT: Mr & Mrs G Le Tissier

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: 04/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6217/A/3

Application Ref: FULL/2024/1246

Property Ref: C000290000+C000300000

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.Prior to the commencement of any work in connection with the erection of the stable building on the site details of appearance/finish of the approved area of hardsurfacing, having regard to permeable paving and sustainable design, shall be 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 hardstanding to serve the stable building. This condition is imposed to make sure that the development, on agricultural land, does not have any adverse impact on the character of the area.

5.The stables hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Les Courtes de Haut and shall not be used in connection with any livery or business.

Reason - To define the permission for the avoidance of any doubt, to protect the reasonable amenities of neighbouring residents and because a business or trade operating from the site would require different policy considerations.

6.Prior to the stables hereby approved first being brought into use details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) shall be 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 and 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 04/12/2027 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/2024/1246
Property Ref: C000290000+C000300000
Valid date: 15/07/2024
Location: Les Courtes de Haut La Miellette Lane Vale Guernsey GY3 5EW
Proposal: Erection of stable block to north boundary of Les Courtes de Haut, La Miellette Lane.

Applicant: Mr & Mrs G Le Tissier

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. Prior to the commencement of any work in connection with the erection of the stable building on the site details of appearance/finish of the approved area of hardsurfacing, having regard to permeable paving and sustainable design, shall be 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 hardstanding to serve the stable building. This condition is imposed to make sure that the development, on agricultural land, does not have any adverse impact on the character of the area.

5. The stables hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Les Courtes de Haut and shall not be used in connection with any livery or business.

Reason - To define the permission for the avoidance of any doubt, to protect the reasonable amenities of neighbouring residents and because a business or trade operating from the site would require different policy considerations.

6. Prior to the stables hereby approved first being brought into use details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) shall be 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 and does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

OFFICER'S REPORT

Brief Description of the site:

Les Courtes de Haut is a detached dwelling accessed via a sloping drive from La Miellette. The land that is the subject of the application is situated to the west of the dwelling accessed via a gate to the north of the dwelling in a boundary marked, in part, by a wall and trees. The boundary between the house and field is marked by a picket fence and hedge. The north field boundary with Rue Des Chapelles is marked by a bank and field access with timber gate. The West field boundary by a bank with trees also providing access to the adjoining land to the west. The remains of a shed exist to the south of the site but this is substantially covered by overgrowth. Views towards Beaucette Marina are possible across the site.

The application relates to the erection of a stable building with associated hardstanding adjacent to the north site boundary. The land has been confirmed as falling within the domestic garden area for the property following the grant of permission under application reference FULL/2021/2580.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2021/2580 - Change of use from agricultural land to domestic garden (2,574 sqm) and erect stable to south boundary – granted (partially implemented re: COU of land)

Planning conditions:

4. landscaping scheme to be approved – discharged summer 2024
5. landscaping scheme in accordance with condition 4
6. hardsurfacing details – not discharged
7. use of stables for private purposes only
8. removal of householder exemption rights to west site boundary
9. details of manure storage and disposal – not discharged

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

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:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

Following approval of the discharge of condition for landscaping in connection with the previous permission the Planning Service recognise the land that is the subject of this application as forming part of the domestic garden of the property.

As a domestic outbuilding the Planning Service would not seek to be overly prescriptive in terms of the size of such a building providing such a structure accords with the policy requirements of the Island Development Plan. The building has previously been considered reasonable to meet the applicant's needs in terms of stabling for horses/ponies and this will not be revisited.

The proposed building has been designed with a timber clad exterior and shallow pitched roof. The development is considered to be proportionate to the use of the land owned by the applicant for the keeping and grazing of horses, with potential to accommodate associated feed, storage etc. The design and appearance of the building is such that it represents a good standard of design that respects both the local built environment and open landscape concerned.

Although as now proposed the building would be situated adjacent to the roadside it would be well screened by the roadside bank and planting, and would not appear at odds with the sporadic ribbon built development along the road frontage in this area. The building will not result in harm to the character and appearance of the locality.

The stable building is low in height, with a shallow pitched roof and will be situated away from residential neighbours. The building will not result in overshadowing or loss of light to adjoining residential neighbours and nor will it result in overlooking and loss of privacy. In view of the above the scheme meets the aims of Policy GP8.

Policy GP1 relates to the Landscape Character and Open Land. The proposed development will not result in the loss of any landscape features that contribute to the wider landscape character and as the building will be situated adjacent to the dwelling and adjoining garden areas, viewed in the context of existing built development, and not prominently situated it will not appear unduly prominent or out of keeping in the open landscape. The proposal would satisfy the provisions of Policy GP1.

It is considered reasonable and necessary to impose a condition setting out that the building is not to be used in connection with any trade or business, including a livery business, to ensure there is no unauthorised change of use and to manage impacts on neighbours.

The extent of hardstanding is shown on the application drawings but does not provide clear details of the finished hardstanding material. Being more than 30m from the dwellinghouse the hardstanding would not be exempt and it is reasonable to require details to be provided, to ensure a good standard of design that respects the open landscape concerned and having regard to sustainable development (GP1, GP8 and GP9).

A planning condition was previously imposed regarding the storage and removal of manure from the site (in connection with the stables as originally approved) which has not been discharged. It is reasonable therefore to require such a condition in connection with the current proposal to ensure that this is appropriately managed, in the interests of residential and visual amenity.

The submission provides a clear intention to construct the current building in preference to the original due to drainage and function/access reasons. To impose a condition permitting only one or other stable building to be constructed would not meet the tests associated with the imposing of conditions. In any event, the imposing of a condition regarding the use of the stables for private stabling only and not in connection with any livery, trade or business would ensure that, even if both stable blocks were to exist, the use could not alter without the submission of a planning application to remove or vary that planning condition.

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.

In view of the above, it is recommended that permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 29/11/2024

