

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: Demolish existing stable and erect new stables to south east of site.

LOCATION: The Rosses, Rue Des Eturs, Castel.

APPLICANT: Mr N Higgs

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: 26/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Annotated Application Block Layout Plan (dated 13/08/2024) and Block Plan: The Rosses (dated 31/07/2024) & Prime Stables Ltd drawing: Higgs K July-24.

Application Ref: FULL/2024/1344

Property Ref: D00858B000

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 stable building shall be finished with a dark brown stain/paint within 28 days of its construction.

Reason - To reduce the impact of the building on the character and appearance of the open landscape concerned.

Expiry Date: This permission will cease to have effect on 26/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the applicant considers manure storage and odour / fly prevention control measures. This would reduce the risk of a statutory nuisance occurring under Environmental Health Legislation.

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/2024/1344
Property Ref: D00858B000
Valid date: 13/08/2024
Location: The Rosses Rue Des Eturs Castel Guernsey GY5 7DX
Proposal: Demolish existing stable and erect new stables to south east of site.

Applicant: Mr N Higgs

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 - 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 stable building shall be finished with a dark brown stain/paint within 28 days of its construction.

Reason - To reduce the impact of the building on the character and appearance of the open landscape concerned.

INFORMATIVES

It is recommended that the applicant considers manure storage and odour / fly prevention control measures. This would reduce the risk of a statutory nuisance occurring under Environmental Health Legislation.

OFFICER'S REPORT

Brief Description of the site:

The existing stable building is situated adjacent to the site boundary where established landscaping exists. It is visible from the adjoining road at Les Eturs with some views also possible from the northwest where there is a site access onto Rue Des Deslisles. The site is otherwise open and undeveloped. A verge and wall exist adjacent to Les Eturs.

The application relates to the erection of a stable building with two loose boxes, a tack room and hay store. The application was deferred to seek clarification regarding the layout of the building and the position of doors as two different floor plans had been provided with the original application submission. Compass point labels were also added.

The site is located within an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

D858/A

PREA/2024/1025 – replace existing stables

18/07/2022 – FULL/2022/1229 – Permission granted for alteration of roofing and wall materials to shed, alteration to fenestration (retrospective).

14/03/2018 – FULL/2017/1725 – Permission granted to extend domestic curtilage and demolish existing and erect replacement outbuildings to provide hay barn and domestic store.

29/08/2017 – FULL/2017/1725 - Permission granted to erect a stable block and timber shed (tack room) (Retrospective).

D858/B

05/08/2022 – FULL/2022/0927 – Erect shed to north boundary – granted – condition specifying for agricultural use (UC28) only

Existing Use(s):

28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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 GP8: Design

Policy GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation – Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for a replacement equine stable to be erected at the above mentioned address which were received by email on 13th September 2024 and do not wish to raise any objections to the proposals.

There is however the potential for statutory nuisance to arise and therefore it is strongly recommend that the applicant considers manure storage and odour / fly prevention control measures to reduce the risk of a statutory nuisance occurring.

Conclusion/Brief comment:

Policy OC5(A) allows for the loss of existing agricultural land where the proposed new use accords with other relevant policies of the IDP. Policy OC9 make provision for new facilities for outdoor formal recreation or informal leisure and recreation

(which includes equestrian activities), or to extend, alter or redevelop existing facilities, subject to compliance with a number of criteria.

The application relates to the replacement of an existing stable building which has an asbestos roof and is reaching the end of its life. The fields within the applicants ownership and control are used for grazing horses which represents an agricultural use. The building would not result in the unacceptable loss of agricultural land within the APA as it replaces an existing building rather than being on open and undeveloped land (fields). The size and positioning of the building will not undermine the commercial function of the Agriculture Priority Area.

The proposed stable is similar in size to the building it would replace and is proportionate to the area of land that falls within the applicants ownership/control and is used for grazing horses.

It would be positioned close to the site boundary with mature trees behind it and a tree lined accessway serving it and the fields to the east which offer an element of screening to the building. No boundary features would be removed in connection with this proposed development and the stables would not appear unduly obtrusive in the locality given the existing building on the site, its set back position from any highway and the established trees and landscaping around it. As the stable building would be located in the same position as the existing stable building on the site, it is not considered that any material loss of open and undeveloped land would occur and the scheme accords with to Policy GP1 and the aims of Policy OC9 and GP8 regarding the effect on the character and appearance of the open landscape concerned.

The size, height and timber clad appearance of the building is represents a good standard of design that respects the open landscape concerned. The development will not result in harm to residential amenity. It is reasonable to impose a planning condition to require the building to have a dark stain or finish in order to reduce its impact on the wider rural landscape character. The scheme therefore accords with the aims and objectives of all relevant policies in the Island Development Plan.

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 permission is granted.

Recommendation:

Grant with Conditions



Date: 24/09/2024

