

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 building, erect Equine Therapy building, install air source heat pump, erect fencing, gates and associated works.

LOCATION: Queux Barn, Queux Manor Vineries, 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: 04/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Architecture: 24-1534-P2 PD/01, PD/02 & PD/03
Aerona3 R32 heat pump specification
Site Waste Management Plan (dated 28.03.2025)

Application Ref: FULL/2025/0196

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.

7.Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, have been submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details and prior to first use of the building.

Reason- In the interests of visual amenity and because the solar panels are an integral

part of the design concept for the development hereby permitted, in accordance with Policies GP8 and GP9.

8. Prior to the commencement of any work in connection therewith, a landscaping scheme detailing all new planting, and hedging proposed to take place across the site, including the location of each species proposed, along with the size, number and density of the plants shall be submitted to the Authority and agreed in writing. The planting shall then take place within one year of the completion or first use of the building, whichever is the soonest. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason: To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

Expiry Date: This permission will cease to have effect on 03/04/2028 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/2025/0196
Property Ref: D00718B003
Valid date: 13/02/2025
Location: Queux Barn Queux Manor Vineries Les Queux Lane Castel
Guernsey GY5 7DP
Proposal: Demolish existing building, erect Equine Therapy building,
install air source heat pump, erect fencing, gates and
associated works.
Applicant: Lily Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason: To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

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:

FULL/2024/1082- 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.

Approved 08/10/2024

Existing Use(s):

28 Agriculture

Brief Description of Development:

This application seeks permission for the demolition of the exiting building and erection of a new purpose built Equine Therapy building. The proposal also includes the installation of an air source heat pump, fencing, gates and associated works.

This follows the approval of application FULL/2024/1082 which permitted 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.

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

OC2 – Social and Community Facilities Outside of the Centres

GP1- Landscape Character

GP8 – Design

GP9 – Sustainable Development

GP15- Curtilage extension

GP16(A) – Conversion of Redundant Buildings

GP16(B) - Conversion of Redundant Buildings – Demolition and Redevelopment

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

n/a

Consultations:

The Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans to demolish the existing building, erect an Equine Therapy building, install an air source heat pump, erect fencing and gates, and associated works, at the above site.

I note that it is proposed that an AERONA³ HPID10R32 air source heat pump is installed at the north boundary of the site. Based on the sound data provided for this model, I have carried out an approximate acoustic distance calculation to the nearest noise sensitive receptor. I confirm that I do not have any comments or objections to the proposals.

Summary of Issues:

- Principle of development
- Impact on character of the area

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).**

New building

Policy OC2 (Social and Community Facilities Outside of the Centres) indicates that new social and community facilities will only be supported where the proposal is achieved through the conversion of a redundant building, in accordance with Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings).

In this case permission has been granted for the conversion of the existing building under Policy GP16(A) to a therapy centre, and permission is now sought for the demolition of that building and the construction of a new purpose-built centre under Policy GP16(B).

Policy GP16(B) states that the demolition and redevelopment of a building may be acceptable without the need to implement the permission for conversion approved under GP16 (A) provided that:

a. the conversion scheme has first been granted planning permission;

Permission for the conversion was granted 08/10/2024

b. the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded;

The proposal remains for a single building and the submitted information states that the volume of the approved scheme was 236sqm, and the volume of the proposed scheme is around 282m³ which is an approximate increase of 19% above the existing volume. The floor area has also increased by approximately 21% above the existing building. While the guide is considered to be around 20%, this proposal is considered to represent an acceptable increase and is broadly of the same floorspace and volume as the approved conversion scheme.

c. where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area;

The existing building is of utilitarian form and finish. The structure is not prominent in public views, due to the boundary hedging along the roadside, and the proposed building would be in a similar position, with fairly similar form, but with improved design and use of materials, consequently having a similar or improved impact in the character of the area.

d. it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design;

The position, form and design of the proposed building have been driven mostly by the requirements set out under b) above, as opposed to sustainable design approaches.

However, the submitted information confirms that the roof design has been influenced by the desire to include solar panels. In addition, an air source heat pump is proposed and the application confirms that the building will meet the requirements of the Building Regulations in terms of thermal efficiencies of the building. The proposed hoggins hardsurfacing is permeable to allow for surface water management.

The information submitted in respect of the sustainability of the design is adequate to meet the requirements of part d).

e. it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area;

The proposed building would be located in a similar position to the existing and, of similar reasonable scale and form, would not have any greater impact on landscape character or openness. A condition has been applied which ensures that any external

lighting is subject to a planning application as this could have a significant impact on the character of the rural area.

f. it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area.

The proposed building would be located mainly on the footprint of the existing and would be of comparable scale, bulk and massing. There are no residential dwellings close to the site and so there are no neighbouring properties to consider in this regard.

Access and parking

The access is the same as previously approved, the parking however is now located to the south of the building which has enlarged the curtilage by approximately 2m, however this is existing car parking for the garden centre and not used for agricultural purposes, and so this is unlikely to have a harmful impact on the character of the area and would be acceptable in this case.

Curtilage enclosures and ancillary structures

The creation of curtilage for the conversion of the existing building at this site was approved under the permission and this has been increased slightly as considered above. The planting previously proposed to the rear of the building is now relocated to the south which will assist in softening views of the building from the main entrance and car park of Queux Garden centre. A new hedge is proposed to the east of the new building, and a landscaping condition will be used to ensure that this is of a suitable species, and also to ensure the planting of this, the planter and wildflower meadow takes place in a timely manner.

The means of enclosure to the site boundaries include post and rail fences and field gates, which form appropriate boundary treatments in terms of the rural character of the area. The existing hedge to the north boundary of the site has been removed,

Other matters

As previously considered necessary, a condition has been applied to ensure that 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 to ensure the use remains as originally considered.

Environmental Health have assessed the noise associated with the provision of the air source heat pump and have raised no objections. The ASHP is considered acceptable in this location in the absence of any residential neighbours.

A Waste Management Plan has been submitted in support of the proposal.

Conclusion

The amended proposal is considered to accord with the purposes of the Law, material considerations and relevant planning policies and approval is recommended, subject to the conditions outlined above.

Date: 27/03/2025