



## Appeal Decision Notice

Planning Tribunal Hearing and Site Visit held on 21<sup>st</sup> January 2013 at Les Cotils Christian Centre, St Peter Port followed by a visit to the Appeal site

Members: Mr. Stuart Fell (Presiding), Mrs. Sheelagh Evans, Mr. John Weir

---

**Appeal Site:** Oatlands Village, Les Gigands, St. Sampson.

**Property Reference:** B1008000

**Planning Application Reference:** FULL/2102/2832

**Planning Application Valid Date:** 12<sup>th</sup> September 2012

**Appeal Case Reference:** PAP/039/2012

- The Appeal is made under the provisions of Part VI and Section 68 of The Land Planning and Development (Guernsey) Law, 2005.
- The Appeal is by Oatlands Holdings Limited against the decision of the Environment Department dated 24 October 2012 to refuse planning permission on an application to erect a Spiegel Tent for a temporary period until 31<sup>st</sup> January 2013 on land at Oatlands Village, Les Gigands, St. Sampson.
- The appellant company was represented by Advocate P. T. R. Ferbrache of the law firm Mourant Ozannes. He called Mr. P. Kaufman-Kent, owner and director of the appellant company, and Mr. A. J. Male, architect at the practice of Lovell Ozanne, Chartered Architects.
- The Environment Department was represented by Mr. A. J. Rowles, Director of Planning, Mrs. C Miles, Senior Planning Officer, and Mr. D. Perrio, Enforcement Officer.
- Neighbouring residents Mr. R. S. J. Chapple and Mrs. D. Hockey were also in attendance for part of the Hearing.

---

### Decision

1. The appeal is dismissed.

## Background

2. Oatlands Village is an established visitor attraction which is centred on a group of traditional buildings set in a semi-rural area with agricultural fields adjoining to the north-west, east and south-east, and residential properties nearby to the south-west along Les Gigands Road.
3. Spiegel Tents are pre-fabricated buildings originating in the early 20<sup>th</sup> century and were designed as travelling dance halls, bars and entertainment venues. The tent in question is circular in form with a diameter of 12.6m, and has a rectangular projection forming the entrance lobby. It is 5.45m high to the ridge. The structure has an off-white canvas roof on a wooden frame, whilst the external walls are made of prefabricated wooden panels set below high-level windows. The interior has wood-panelled walls, multiple mirrors and a coloured canvas roof, creating a relatively lavish interior.
4. Mr Kaufman-Kent explained to the Tribunal that he is a friend of the owner of the Spiegel Tent company and had made arrangements to borrow the Spiegel Tent in question for use at the visitor centre during the summer season of 2012.
5. Following the refusal on 24<sup>th</sup> April 2012 of a planning application to locate a Spiegel Tent on an agricultural field outside the defined boundary of the visitor centre, Mr. Male discussed options for an alternative siting with Mrs. Miles. He subsequently submitted a fresh planning application for the tent to be sited in a new location on the south side of the established visitor complex, next to Oatlands Lane, where it is currently located. This retrospective application, validated on 10<sup>th</sup> May 2012, sought permission to retain the tent for the period up to 30<sup>th</sup> September 2012.
6. Concerned that this application might not be approved in time for Queen's Jubilee celebrations in early June 2012, Mr. Kaufman-Kent took the decision on 15<sup>th</sup> May 2012 to press ahead with the ordering and delivery of the tent, and this was seen by Mr. Perrio to be under construction on 29<sup>th</sup> May 2012. A mechanical dance organ was subsequently installed in the tent as an entertaining substitute for the traditional dance band. The tent was used during the Queen's Diamond Jubilee celebrations and has remained in use since that time.
7. As a result of written objections from neighbouring residents, the application was referred to an open meeting of the Environment Board. The Board gave conditional permission on 17<sup>th</sup> July 2012 for the tent to remain for a period up to 30<sup>th</sup> September 2012, the termination date specified in the application (actually stated as 31<sup>st</sup> September 2012). The conditions applied to the planning permission imposed restrictions relating to opening hours and to the playing of amplified music, and also included a requirement to dismantle and remove the tent on the expiry of the permission.

8. Due to the popularity of the Spiegel Tent, a further application was made on 12<sup>th</sup> September 2012 to extend the duration of the permission up to 31<sup>st</sup> January 2013. This application was subsequently rejected on 24<sup>th</sup> October 2012, resulting in this appeal. A Compliance Notice served on 5<sup>th</sup> November 2012 requiring the removal of the tent was also appealed, effectively staying the enforcement action.
9. The Tribunal notes that in making the original application validated in February 2012 Mr. Kaufman-Kent might realistically have envisaged the tent remaining in place for a period of about five months, assuming a grant of planning permission at the end of April 2012. At the date of the appeal Hearing in January 2013, the tent had actually been in place and in use for eight months.

### **Main Issue**

10. From its assessment of the papers submitted by the appellant and the Department, and from what was seen and noted during the site visit, the Tribunal considers that the main issue in this case is whether the continued stationing of the Spiegel Tent for a further period of four months beyond that envisaged in the original grant of permission would give rise to unacceptable harm to the rural surroundings, contrary to the objectives of Policy RGEN5 of the adopted Rural Area Plan.

### **Policy Considerations**

11. The explanatory text to Policy RGEN5 of the Rural Area Plan states:

*"It is important that new development is consistent with the character and amenity of its setting, whether that character is special or of a more general nature. Modern residential clos, older farming settlements and even industrial estates each have a character and certain feel of amenity that should be respected when planning for new development in order that they can be readily assimilated into their surroundings."*

The policy itself states:

*"In considering proposals for development the Department will take into account the need to respect and retain the general character and amenity of the rural environment."*

### **The Tribunal's Assessment**

12. The Tribunal has no reason to doubt that the Spiegel Tent has been enjoyed by many visitors and local residents to Oatlands Village since June 2012, or that it has been a success in visitor attraction terms. The written comments of the Commerce and Employment Department are testament to this.

13. As a result of its site visit, the Tribunal finds that despite the range of temporary and moveable structures that are associated with the visitor centre, the overriding character of Oatlands Village remains that of a group of traditional buildings in a rural setting. Whilst Oatlands Village is only glimpsed from the south across open fields, in views from the west and south the traditional character of the older buildings is apparent, whilst the historic brick kilns dominate the approach from the visitor car park. The buildings are set around a series of courtyards which provide valuable shelter, but these enclosed spaces also ensure that facilities such as the merry-go-round and refreshments kiosks do not intrude excessively on the rural surroundings.
14. On the south side of the complex, next to Oatlands Lane, is an attractive garden area serving what is presumed to have been a farmhouse, and to the east of this is the staff car park. It is in the open area next to Oatlands Lane that the Spiegel Tent is sited, with its principal entrance facing west over the aforementioned garden, and its rear walls facing the road and the car park.
15. To the east of the visitor centre, Oatlands Lane affords the opportunity for views over open fields to the north and south, while the western side of Les Gigands Road has a scattering of residential properties.
16. It was self-evident to the Tribunal during its site visit that the tent is designed as a temporary structure intended to be moved from place to place. That it is not a permanent building is clear from its materials and appearance. Whilst the interior is visually elaborate, due to the coloured canvas, and the decorative glazing, mirrors and panelling, the exterior is relatively utilitarian in its design, construction and character, other than the theatrical entrance facade which faces the garden.
17. The Tribunal takes the view that a tent such as this, which lies broadly within the tradition of moveable structures such as circus tents and fairgrounds, may be considered acceptable and visually stimulating over a temporary period, especially when located in the context of a popular visitor attraction. Such structures are tolerated precisely because they are known to be ephemeral. During a period of specific celebrations associated with the Queen's Diamond Jubilee and the 2012 Olympic Games, an even greater latitude might be expected on the part of neighbours and casual observers.
18. However, when such structures are retained over a longer period, it seems appropriate to the Tribunal that different considerations should be brought to bear and a more critical view taken of the physical relationship of the structure to the established surroundings. These considerations are particularly relevant in this case given the proximity of the tent to the public highway in Oatlands Lane, to the neighbouring residential properties in Les Gigands, and in the context of the wider rural scene.
19. In the opinion of the Tribunal the rear walls of the Spiegel Tent, which are seen by passers-by, are not especially attractive, being composed to a great extent of prefabricated boarded panels, reinforced by timber battens in an irregular

arrangement. These features, taken together with the canvas roof which is tied down at intervals, gives the unmistakable impression of the back of a temporary building, which the Tribunal considers to be an incongruous feature in this rural setting. This impact is exacerbated by the location of the tent on an open site on the perimeter of the visitor centre, where is in full view from Oatlands Lane.

20. The Tribunal's opinion is that what may have been considered an acceptable visual presence for a relatively short period during the summer months between May 2012 and September 2012, associated with a period of national celebration, has become an unacceptable visual intrusion when retained over an extended period, running beyond the normal tourist season and into the winter period.
21. In conclusion, the Tribunal is satisfied that the continued presence of the Spiegel Tent beyond the terms of the original permission is causing unacceptable harm to the character of the rural surroundings and is in conflict with the underlying objective of Policy RGEN5, which is to ensure that the general character and amenity of the rural environment is respected and retained. For these reasons the Tribunal is unable to support this appeal. The Tribunal is aware of concerns raised by neighbouring residents about noise levels emanating from the mechanical organ, but these are not critical to its decision in this case.

## **Conclusion**

22. The Tribunal has considered all other matters raised in the written submissions, and seen and heard during its site visit, but these do not affect its conclusion under the provisions of Part V1 Section 69 of The Land Planning and Development (Guernsey) Law, 2005, that the Appeal is not upheld.

**Stuart Fell DipArch RIBA IHBC  
Presiding Member**

**Date: 31<sup>st</sup> January 2012**