ONLINE VERSION

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect domestic equipment store.

LOCATION: Santa Maura, Rue Des Crabbes, St. Saviour.

APPLICANT: Mr I McKellar

I refer to the application referred to below received as valid on 02/07/2019 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 27/11/2019

Drawing Nos: Lovell Ozanne & Partners - 10287-S1-02 rev B, AA 101-10287-S1-04 rev C &
Guernsey Gardens: PP001

Application Ref: FULL/2019/1321

Property Ref: E011430000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed outbuilding by virtue of its size, scale, height and bulk would appear incongruous, unrelated to the size and scale of the existing dwelling, Santa Maura, and the domestic scale of surrounding development. The development is not well designed or in sympathy with its setting and does not achieve a sufficiently high standard of design to complement the character of the area. The scheme is therefore contrary to Policy GP8 a) and c) of the Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES
Director of Planning
Planning Service

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2019/1321
Property Ref:	E011430000
Valid date:	02/07/2019
Location:	Santa Maura Rue Des Crabbes St. Saviour Guernsey GY7 9QL
Proposal:	Erect domestic equipment store.
Applicant:	Mr I McKellar

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed outbuilding by virtue of its size, scale, height and bulk would appear incongruous, unrelated to the size and scale of the existing dwelling, Santa Maura, and the domestic scale of surrounding development. The development is not well designed or in sympathy with its setting and does not achieve a sufficiently high standard of design to complement the character of the area. The scheme is therefore contrary to Policy GP8 a) and c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Santa Maura is a detached dwelling located to the north of Rue Des Crabbes. A large glasshouse is situated to the north of the dwelling and land to the east and west is open and undeveloped agricultural land.

The site is located Outside of the Centres as designated in the Island Development Plan. An Agriculture Priority Area is situated to the south of Rue Des Crabbes.

Relevant History:

Pre-application advice was sought in this case.

FULL/2019/0978 - Demolish greenhouse and erect equipment store to rear of dwelling on east boundary – granted

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The planning application relates to the erection of a detached 'L' shaped outbuilding 27.8m long and 15m wide within the domestic garden approved under planning reference FULL/2019/0978. The proposed building measures between 3.9m and 5.4m in height and has been designed with a Cedar vertical clad exterior, insulated profiled metal clad roof and with dark grey roller shutter vehicle doors. A planting zone is proposed

The application describes the building as an agricultural store however it will be situated within the garden of Santa Maura therefore for planning purposes would represent a domestic outbuilding.

A number of items indicated through the application submission to be stored within the proposed building would be used in connection with the agricultural use and management of land. Other items identified however would not be ordinarily connected with agricultural activities.

The application has been accompanied by a letter dated 20th June 2019 setting out:

- The applicant owns approximately 11 acres of land in the local area which requires equipment for maintenance
- Much of the equipment is stored in the glasshouse however this is shown to be removed in connection with planning permission for the change of use of agricultural land to domestic garden
- To mitigate the impact of the proposed building new indigenous planting is proposed to form screen hedges – this is appropriate to the local landscape around the new building having regard to Policy GP1
- The scale and mass of the building has been designed to minimise its impact on the surrounding area – one section lower in height and with a slightly higher section to store larger vehicles and equipment
- The timber clad exterior will soften its appearance and be in keeping with the rural environment
- The new building will enable the removal of the existing much larger greenhouse and associated structures which will significantly improve the open nature of the adjoining fields
- Existing planting (largely Willow trees) provide screening and proposed planting will enhance the landscape (Policy GP1)
- The building will not be in close proximity to neighbouring buildings

The application was deferred in order to seek clarification/confirmation that the change of use of agricultural land to domestic garden has commenced in accordance with the planning permission granted. Confirmation was received in a letter from the planning agent dated 12 August 2019 that work has commenced in connection with the change of use of land.

The application was also deferred in order for a detailed landscaping scheme to be submitted due to concerns regarding the impact of the building on the openness of the landscape. Additional information was submitted on 04 September 2019.

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

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

Representations:

Paroisse de Saint Sauveur – cannot support the application. The Douzaine is keen to see derelict greenhouse sites cleared however the application appears to lack any consideration of Policy OC7. It is suggested that the applicant is requested to explain how the application meets the presumption that cleared glasshouse sties will be returned to agricultural use. In this case the redundant glasshouse site is capable of contributing to the wider area of open land. Concerns are also raised regarding Policy GP1 a) and c) as the application is not consistent with these policies and the building would be almost the same size as the main house.

Consultations:

None

Summary of Issues:

The key issues in this case relate to the principle of the proposed building and its likely effect on the character and appearance of the locality.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The comments and concerns raised by the Douzaine in relation to this application have been noted. Although reference has been made to Policy OC7: Redundant Glasshouses Sites Outside of the Centres this does not represent a redundant glasshouse site for the purposes of the Island Development Plan. Furthermore, planning permission has previously been granted, and implemented, for the change of use of agricultural land to domestic garden.

Policy GP13: Householder Development stipulates that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design, taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

The site is located within a coastal landscape, western bays where the bays are backed by a series of Mares (wetland/lagoons) but these have been separated from the coast by sea defences and the coast road. The site is within the West Coast Mares coastal landscape which were originally lagoons in the low flat land between the Bays and the Escarpment at the mouths of the Valleys. Since the construction of sea defences, they have progressively been reclaimed. Development impacts on their character as expanses of flat, open land at the foot of the escarpment.

The building has been designed to appear as an industrial style outbuilding within the domestic garden area of Santa Maura. The proposed scale of the building, being between 5.5m and 3.9m in height, associated bulk and its warehouse style appearance is not compatible to the domestic setting of Santa Maura. As set out above, the application has been accompanied by supporting information that seeks to demonstrate the need for a building of the size and scale proposed however this equipment is not required specifically in connection with the domestic use of the site, Santa Maura, but areas of agricultural land in the area but not in relation to an agricultural holding or a farmstead. This does not represent satisfactory and appropriate justification for the erection of a domestic outbuilding of the scale proposed.

The design, scale and bulk of the building is such that it does not represent a good standard of design that respects the character of the local built environment and would not be appropriate in relation to its domestic surroundings. The scheme is therefore contrary to Policy GP8 criteria a) and c) of the Island Development Plan.

The building will be situated away from Santa Maura itself and although adjacent to the boundary with Peacehaven to the east, the land to the north of this dwelling is currently recognised as agricultural land and not domestic garden. Furthermore, the building is shown to be set away from the common boundary and with a new, substantial area of landscaping to reduce the impact of the building from this adjoining land. Overall the development considers the health and well-being of neighbours of the development.

Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area. Policy GP8 e) also seeks to

ensure that a development provides soft landscaping that reinforces the local character and mitigates the impacts of the development.

The land is located in a relatively flat area of the Island and due to the topography of the land and absence of enclosure of the roads/lanes (e.g. tall earthbanks, hedges etc.) many views are possible across open fields. The proposed building will be visible from roads and lanes in the vicinity of the site and due to the scale and form of the building it will result in the loss of the openness of the landscape. Reference is made in the application to new screen planting along the west and south site boundaries as well as new screen planting to the north of the proposed building. A landscaping scheme has been provided which has potential to help screen the building and thus hide the building from views. The proposed landscaping will help screen the building and thus help assimilate the building into the landscape character in accordance with the relevant requirements of Policy GP1 and GP8 of the Island Development Plan. If the scheme were acceptable in all other respects it would be appropriate to impose a planning condition requiring the landscaping scheme to be implemented and maintained.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with the Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In view of the above it is recommended that planning permission is refused for the proposed development. Although landscaping can be introduced, controlled by planning condition, in order to mitigate the impact of the development on the wider area the proposed scale, bulk and design of the building is inappropriate for the domestic site and the proposal does not relate to either domestic storage associated with Santa Maura or agricultural storage associated with an agricultural holding or farmstead.

A storage building Outside of the Centres would only be accepted through the policies of the Island Development Plan where the development is located in a Key Industrial Expansion Area, there is a justifiable need for a business to be located outside the Centres, is on a brownfield/redundant glasshouse site or is achieved through the conversion of a redundant building.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 27 November 2019