

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: Change of use of agricultural land to domestic garden (850sqm) and demolish wall (south boundary)

LOCATION: Valker Vinery, Rue Du Manoir, Forest.

APPLICANT: Mr O Le Prevost

I refer to the application referred to below received as valid on 03/08/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 04/10/2021

Drawing Nos: Block plan (date stamped 08/07/2021)

Application Ref: FULL/2021/1555

Property Ref: H000700000+H00070A000

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 proposal does not accord with policy GP1 as it would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.
2. The proposal does not comply with policy GP15 because it has not been demonstrated that the land cannot positively contribute to and be used for the commercial agricultural use of arable land adjacent to an Agriculture Priority Area

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



PLANNING APPLICATION REPORT

Application No: FULL/2021/1555
Property Ref: H000700000+H00070A000
Valid date: 03/08/2021
Location: Valker Vinery Rue Du Manoir Forest Guernsey GY8 0JF
Proposal: Change of use of agricultural land to domestic garden (850sqm) and demolish wall (south boundary)
Applicant: Mr O Le Prevost

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal does not accord with policy GP1 as it would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.
 2. The proposal does not comply with policy GP15 because it has not been demonstrated that the land cannot positively contribute to and be used for the commercial agricultural use of arable land adjacent to an Agriculture Priority Area.
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OFFICER'S REPORT

Site Description:

The property known as 'Valker Vinery' is a two storey semi-detached early 20th century dwelling, which sits on a corner site. The gable fronted house faces south onto Rue du Manoir, the attached dwelling is to the west, La Rue des Fosses runs along the east boundary and an agricultural field within the same ownership is to the north. Across the road to the south are open agricultural fields within the APA. Beyond the neighbouring dwelling there is another open agricultural field laid to lawn and beyond that an open field within the APA. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agriculture use class 28: Agriculture.

Brief Description of Development:

This application is for a change of use of the agricultural land within the same ownership (to the north) to domestic curtilage (850sqm) and to demolish the wall between the existing domestic curtilage and the field.

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

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Representations:

There have been two letters of representation;

La Societe Guernesaise:

“We note that the land is a former greenhouse site and was mapped as ‘Arable Land’ in the 2018 Habitat Survey, having been cleared some time ago. We would suggest it might be suitable for retention as agricultural land, particularly considering the surrounding landscape which is dominated by farmland and the proximity of an extensive Agricultural Priority Area (APA) across the road.

If this application is considered further, we would like to highlight that the Planning Service has recently introduced a requirement for landowners submitting applications of this type to demonstrate that the proposal would lead to net ecological gains. If such information has been provided, we would recommend that it is independently assessed in order to ensure that it is accurate, feasible and appropriate.”

The National Trust of Guernsey:

“We would like to register our concern that the proposed area of agricultural land currently forms part of a viable agricultural holding and that by accepting its change of use to domestic curtilage will decrease the viability of the remaining land. It is also to be noted that it links with a larger piece of agricultural land to the west.

The intention of the policy in the IDP was to facilitate the ‘tidying up’ of redundant glasshouse land and isolated agricultural holdings that did not form viable entities and could not be amalgamated or linked with other holdings to make them so.

The current pattern appears to be the general parcelling up of agricultural land for the expansion of gentrified domestic gardens, which is leading to the erosion of the stock of viable agriculture land, contrary to the intentions of the IDP and of the Strategic Land Use Plan.”

Consultations:

None

Summary of Issues:

- Impact of the change of use on the landscape character and appearance of the surrounding area, and
- Impact on the Agriculture Priority Area.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Policy OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords with other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. Policy GP15: Creation and Extension of Curtilage outlines that such proposals will be supported where the change of use will not have a detrimental impact on the landscape character of the area.

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.

The application site is adjacent to another agricultural site (west), which in turn is adjacent to land falling within the defined Agriculture Priority Area (west). In addition, land to the south of the site divided by the road also falls within the APA.

The application site has its own access from La Rue des Fosses. Domestic boundary treatments can be found along the south and north boundaries, comprising block wall and earthbank/fencing and the roadside boundary is made up of an earthbank with mature planting on top, with the west boundary comprising of a recently constructed planted earthbank. The site is laid to rough grass.

The IDP states that curtilage can provide amenity space around dwellings and can accommodate ancillary domestic paraphernalia such as washing lines, children's play areas and equipment, swimming pools, garden structures, ornamental gardens, etc. These items can greatly affect the landscape character and appearance of an open landscape and a balance needs to be struck between the wider public interest and personal choice.

The Strategic Land Use Plan notes the requirement to protect open and agricultural land from development in order to ensure the open character of these areas is maintained and to ensure the agricultural industry has an adequate amount of land to operate successfully. Therefore, in these instances there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building.

The justification submitted by the applicant has not demonstrated that the land could not positively contribute to commercial agricultural use. The following sentence, *'currently there are no existing buildings on the land that could with or without reasonable adaptation be used for agricultural use which means that the field is currently not fit for proper running of an agricultural holding.'* is not considered to be correct. Just because a field does not have any buildings on it does not mean it is not 'fit' for purpose.

Although the application site doesn't fall within the defined APA, the land is characterised as good arable land, as such, and taking into account the requirement of GP15 in ensuring that land which would positively contribute to commercial agriculture use of an APA is retained, the change to domestic curtilage is not considered to be appropriate in this instance.

The proposals are not to alter or change any of the earthbank boundaries, however these features do not interrupt or disturb the number of views to and across the site from many public vantage points, and the site forms part of and contributes to a rural open landscape, the character of which is sought to be protected through IDP policy GP1.

Although the justification as submitted by the applicant, does state that garden plants would be added to the field and wildflowers along the rear boundary, which would help to increase the biodiversity, the possibility of ancillary domestic paraphernalia would ultimately impact on the landscape character of the area.

For the reasons above and in light of the contribution that the proposed application site makes to the wider open land and on the grounds that it could positively contribute to the wider APA, the proposed application does not comply with policies GP1 or GP15 of the IDP and therefore it is recommended that the application is refused.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 23/09/2021