

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 garden to east of site (288 sqm).

LOCATION: The Barn, La Biloterie Road, St. Saviour.

APPLICANT: Mr Charles De Nobrega

I refer to the application referred to below received as valid on 24/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/01/2023

Drawing Nos: Block Layout Plan & Site Plans

Application Ref: FULL/2022/1340

Property Ref: E005290000

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 installation of high timber fencing along the east and south boundaries would not achieve a good standard of design, it would not respect the semi-rural landscape character of the area and it would have a significant detrimental impact on the landscape character of the area. The proposal is contrary to Policies GP1, GP8 and GP15.

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/2022/1340
Property Ref: E005290000
Valid date: 24/06/2022
Location: The Barn La Biloterie Road St. Saviour Guernsey GY7 9QY
Proposal: Change of use of agricultural land to garden to east of site (288 sqm).
Applicant: Mr Charles De Nobrega

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The installation of high timber fencing along the east and south boundaries would not achieve a good standard of design, it would not respect the semi-rural landscape character of the area and it would have a significant detrimental impact on the landscape character of the area. The proposal is contrary to Policies GP1, GP8 and GP15.

OFFICER'S REPORT

Site Description:

The site consists of a former barn which has been converted to a dwelling and an area of agricultural land measuring 288sqm to the east of the dwelling which currently forms part of a larger field extending to the south.

The site is located to the south of La Biloterie Road and is Outside of the Centres. The dwelling is a protected building. The site is located in a semi-rural area. La Biloterie Road is bounded by a ribbon development of residential properties interspersed with pockets of agricultural land. To the south of the site the area comprises of pockets or swathes of open and undeveloped agricultural land, separated by earth banks and planting, and interspersed with isolated dwellings and intermittent ribbon development of residential properties along highways.

Relevant History:

08/04/2022 – PREA/2022/0416 – Pre-application enquiry regarding change of use of agricultural land to domestic.

Existing Use(s):

Agricultural use class 28
Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to change the use of a parcel of agricultural land measuring approximately 288sqm to domestic land associated with the dwelling to the west, currently known as The Barn.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Representations:

None

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness 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).**

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15, GP1 and GP8 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The site is located within the Western Bays landscape as identified in Annex V of the Island Development Plan and the character of the area is most akin to the West Coast Mares subzone.

The land the subject of this application forms part of a larger agricultural field which extends to the south and provides a break in the ribbon development of properties

along La Biloterie Road and Longue Rue. By virtue of the change in levels and the well-established vegetation along the north boundary, the land the subject of this application is not currently visually prominent from the public highway La Biloterie Road but it would be visible from Longue Rue to the south-east. When viewed from Longue Rue, due to its relatively modest size and its relationship with existing dwellings to the west, east and north, the land the subject of this application would not visually appear to form a significant part of the larger agricultural field and in principle the change of use of the land by itself may not have a significant adverse effect on the landscape character of the area.

However, the proposal includes the removal of vegetation along the north boundary which would increase the visual prominence of the land from La Biloterie Road. In addition, it is proposed to install timber sleepers and hit and miss fencing between 2 metres and 2.9 metres high along the entire length of the east and south boundaries of the proposed extended domestic land. The installation of high timber fencing along the east and south boundaries would not achieve a good standard of design, it would not respect the semi-rural landscape character of the area and it would have a significant detrimental impact on the landscape character of the area. The proposal to plant climbing plants along these boundaries would not adequately screen the high solid fencing. The proposal is contrary to Policies GP1, GP8 and GP15.

Information has been submitted regarding measures to be implemented to enhance the biodiversity of the site, such as the re-grading of the land and the creation of wildflower lawns. However, further information would be required to ensure that the proposal would result in biodiversity enhancements, such as additional planting to offset the loss of the vegetation to be removed along the north boundary and confirmation about whether existing trees are to be retained or removed and replaced. As the application is not otherwise acceptable this has not been explored further at this stage.

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.

It is recommended that the application is refused.

Date: 19/01/2023

