

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: Demolish existing extension and infill doorway, erect extension to north (front) elevation of outbuilding (Agricultural Use Class 28).

LOCATION: Site situate at La Corbiere, Rue De Manoir, Cot Sud, Forest.

APPLICANT: Mr & Mrs L Appleby

I refer to the application referred to below received as valid on 22/07/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 25/07/2023

Drawing Nos: PF+A Ltd - 7597-01/B1A.
Proposed Outbuilding Rev A.

Application Ref: FULL/2022/1378

Property Ref: H000120000

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 site is located Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan. The application contains insufficient information to demonstrate that there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes. The proposal consequently does not accord with Policy OC5(A): Agriculture Outside of the Centres - within the Agriculture Priority Areas.

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/2022/1378
Property Ref: H000120000
Valid date: 22/07/2022
Location: Site situate at La Corbiere Rue De Manoir Cot Sud Cot Sud Forest Guernsey
Proposal: Demolish existing extension and infill doorway, erect extension to north (front) elevation of outbuilding (Agricultural Use Class 28).
Applicant: Mr & Mrs L Appleby

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site is located Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan. The application contains insufficient information to demonstrate that there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes. The proposal consequently does not accord with Policy OC5(A): Agriculture Outside of the Centres - within the Agriculture Priority Areas.

OFFICER'S REPORT

Site Description:

The application site comprises a single storey outbuilding located to the east of Rue De La Corbiere. The outbuilding is positioned to the west of the site and forms part of the roadside boundary.

The outbuilding lies opposite (east) of the applicant's house known as 'La Corbiere'. The outbuilding is surrounded by mature trees and landscaping to the north and east and is attached to the neighbouring property (known as 'Coin De Terre') to the south. The outbuilding and woodland (legally defined as agricultural land) is served by a vehicle access to the west of the site.

The site is located Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

None relevant to application site – Cadastre ref: H000120000

Main House (La Corbiere) – Cadastre ref: H000110000:

FULL/2010/3715 - Demolish existing outbuilding and erect a garage/store and erect a barn with stable and garden and machine stores. Granted 2010.

Existing Use(s):

Agriculture – use class 28

Brief Description of Development:

Planning permission was originally sought to demolish an existing lean-to extension (2.7m x 4.4m), infill a doorway to the south of the outbuilding, and to erect an extension to the north elevation of the outbuilding. The site was referred to as a 'paddock' on the drawings submitted. The application did not include a covering letter or a statement of support setting out the rationale for the proposal.

Given that the reference to paddock, further information was requested to clarify the proposed development in relation to Policy OC9 (Leisure and Recreation Outside of the Centres) given the potential equestrian related use, and the potential effect on neighbouring residents.

In response, the agent set out in their e-mail of 3rd November 2022 that:

- *The barn will not be used for equestrian purposes and will solely be used for agricultural purposes, comprising of agricultural equipment and animal feed.*
- *No horses will be in this building. The applicant has owned one horse for over 10 years which grazes on fields on the opposite side of the road. (Cadastre ref H000120000 & H000110000).*
- *No external lighting nor additional hard surfacing is proposed.*
- *The applicant does not own any other animals and the paddock referred to is not used, and;*
- *There is no commercial element to this proposal.*

The application was deferred again on 3rd January 2023. Further clarification was sought in respect of the proposal regarding policies OC5(A) (Agriculture Outside of the Centres – Within the Agriculture Priority Areas) and GP1 (Landscape Character and Open Land).

The agent responded on 12th January 2023 stating that:

- *"The existing building is currently used to store grass maintenance equipment; stable bedding materials; meadow hay bales and horse feed supplements.*
- *Additional agricultural equipment is required to improve the poor quality/ nutritional value of the fields in our client's ownership which are used for grazing.*
- *The additional equipment needed comprises of grass aerating machinery; chain harrows; flail mowing machinery & fertiliser spreading equipment. (Fairly bulky equipment).*
- *There is insufficient room to store all the equipment that our client needs in order to maintain the land efficiently.*

- *There is no undercover storage available or suitable within the curtilage of La Corbiere. Note that the existing building attached to the main house is a domestic garage / utility; the rectangular outbuilding is the stable block for the horse and tack; the remaining out-building contains our client's tractor.*
- *The development does relate to an existing agricultural holding.*
- *There are no other buildings available and given that the subject building on H00012A000 is currently used as an agricultural store it would appear to be a reasonable aspiration to remove the asbestos/cement roofing, demolish the existing small extension to the East which is over-bearing to the adjacent property and relocate the area demolished in a more traditional form with a natural slate roof ultimately providing good quality dry storage.*
- *Extending to the East would clearly have an adverse impact on our client's neighbour, whose property is at a lower level close to the boundary. (See attached photos.)*
- *This area of land has been allowed to develop into a natural copse which already provides a significant rural backdrop in this location in contrast to recent developments being carried out close to this site".*

No revised plans were received as part of the additional information submitted.

The application was deferred again on 15th March 2023 as the additional information provided on 12th January 2023, together with that provided on 3rd November 2022, did not demonstrate that the proposal would comply with Policy OC5(A) given the location of the site within an Agriculture Priority Area.

The agent responded on 22nd March 2023 stating that:

- *"We apologise that the word "paddock" has caused so much confusion to your department and we have arranged for this wording to be removed from the drawings...see attached.*
- *Our clients own a large area of agricultural land/ pasture in the area. Would it help to provide full details of land ownership ?*
- *The subject building is currently used as an agricultural store. (Cadastre records confirm that our clients pay rates accordingly.)*
- *Our client only wishes to reconfigure the floor area of this store and there are no ulterior motives.*
- *It would appear to be a reasonable aspiration to improve the quality of their agricultural holding/ grassland and whilst your comments are noted they do not align with good farming practice.*
- *Improvement of the grassland will ultimately result in an economic return and importantly ensure that the land remains in good condition, free of noxious weeds such as Ragwort and available for legitimate agricultural uses.*
- *We await confirmation that we can substitute these amended drawings and we would be grateful if you would detail any further information which you may require.*
- *We trust in the flexibility of the Island Development Plan, however if necessary, we ask for an exemption under Policy GP20 since we consider, with respect, that these proposals are in the best interests of land management in this particular agricultural priority area".*

Revised plans were provided electronically, although the necessary physical copies were not received. The revised plans did not show the size of the holding, in particular the area of land within the applicant's ownership and associated with the outbuilding.

On 8th June 2023, a further request to the agent was made for additional information in relation to the land within the client's ownership associated with the outbuilding, to removal of the word 'paddock' on the drawings submitted, together with justification as to why the existing outbuildings to the rear of the property could not be extended or adapted to serve as an agricultural store.

Revised plans were submitted by the agent in June 2023 which showed the land within the client's ownership, and the amendment to the description of the outbuilding, from paddock to agricultural store. No details of the existing outbuildings were provided on the drawings submitted, nor additional information such as floor plans, photographs, nor justification as to why they could not be used, adapted or extended to house the proposed equipment. No covering letter was received.

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

OC5(A)	Agriculture Outside of the Centres – Within the Agriculture Priority Areas.
GP1	Landscape Character and Open Land.
GP8	Design.
GP9	Sustainable Development.

Representations:

None received.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for amendments to an agricultural outbuilding which were received by post on 14th September, and I do not wish to raise any objections to the proposals."

Summary of Issues:

- Principle of extending the agricultural building.
- Design, scale, massing, form, siting and materials of the extension to the outbuilding.
- Impact on landscape character, visual amenity and neighbour amenity.

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.

Principle of extending an agricultural building:

The application site is located within an Agriculture Priority Area. Policy OC5 (A) (Agriculture Outside of the Centres- within the Agriculture Priority Areas) states that:

“Proposals for development relating to the agricultural use of an existing farmstead or existing agricultural holding, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, will be supported where there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes”.

The requirement to demonstrate that there are no other buildings or structures on the agricultural holding is to ensure that the open nature and landscape character of the countryside is maintained. Development will be permitted in certain circumstances where sufficient demonstration is provided.

The agent has set out in their e-mail of 12th January 2023 that:

*“...there is no undercover storage available or suitable within the curtilage of La Corbiere. Note that the existing building attached to the main house is a domestic garage/utility; the rectangular outbuilding is the stable block for the horse and tack; the remaining out-building contains our client’s tractor...
...development does relate to an existing agricultural holding... There are no other buildings available and given that the subject building on H00012A000 is currently used as an agricultural store it would appear to be a reasonable aspiration to remove the asbestos/cement roofing, demolish the existing small extension to the East which is over-bearing to the adjacent property and relocate the area demolished in a more traditional form with a natural slate roof ultimately providing good quality dry storage.”*

Despite these points, it is still not clear why the existing outbuildings on the holding (within the curtilage of the dwelling-house) cannot, with or without adaptation, be used for the proposed purposes. In particular, it is not clear why the existing structures cannot be adapted or extended for undercover storage, nor are the reasons regarding their unsuitable location compelling given that two fields are sited to the north and south of the domestic curtilage.

Despite multiple requests to provide further information, the existing buildings on the holding are not annotated on the block plan nor have their existing uses/purposes been confirmed. It is also not clear why they could not be extended to house the agricultural equipment and therefore negate the requirement for the proposed development.

There is currently insufficient information to demonstrate that there are no other buildings or structures at the farmstead or on the agricultural holding which could, with or without reasonable adaptation, be otherwise used for the proposed purposes. As the proposal consequently does not accord with Policy OC5(A) it is recommended that the application be refused.

Other matters:

Policy GP20 (Exemptions) would not apply in this case given that there is a specific Plan policy relating to agricultural development within the Agriculture Priority Areas, Policy OC5(A).

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 Planning and Development (General Provisions) Ordinance 2007 have been considered in the assessment of this application.

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

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

Date: 24/07/2023