

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: Remove wall to create an additional vehicle access to field.

LOCATION: Field Opposite La Jaoniere, Rue De La Greve, Vale.

APPLICANT: Mr & Mrs P Cairns

I refer to the application referred to below received as valid on 05/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/02/2023

Drawing Nos: Torode Architects - 6070 - 29C

Application Ref: FULL/2022/1705

Property Ref: C015570000

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 proposals do not respect the prevailing landscape character and would result in the unacceptable loss of roadside boundary which contributes to the wider landscape character and local distinctiveness of the area. Therefore the proposals do not comply with Island Development Plan Policy GP1.

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/2022/1705
Property Ref: C015570000
Valid date: 05/10/2022
Location: Field Opposite La Jaoniere Rue De La Greve Vale Guernsey GY3 5AE
Proposal: Remove wall to create an additional vehicle access to field.
Applicant: Mr & Mrs P Cairns

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposals do not respect the prevailing landscape character and would result in the unacceptable loss of roadside boundary which contributes to the wider landscape character and local distinctiveness of the area. Therefore the proposals do not comply with Island Development Plan Policy GP1.

OFFICER'S REPORT

Site Description:

The site formerly known as 'Le Hurel Vinery' (now in the same ownership as the property to the west, La Jaoniere) is a large, approx. 4325sqm, field which had three large glasshouses and associated buildings. The glasshouses have deteriorated and three structures barely remain on site - A garage at the northern end of the field, a pigeon coop along the south of the eastern boundary and a packing shed in the southeast corner. There are neighbouring detached properties to the north and west across the road and across the road to the south. To the east is open fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1703 – Demolish existing outbuildings, erect detached garage/mower store on agricultural land – Pending.

FULL/2022/1695 – Erect summerhouse with covered area to south boundary of agricultural land – Pending.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to block up an existing access to the south boundary of the field and remove a section of roadside boundary wall to create an additional vehicle access to the west boundary of 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

GP4: Conservation Areas

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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.

At present the field has two vehicular openings, one at the north end of the western boundary and one in the middle of the southern boundary. Initially the proposal was for a third opening onto the field half way along the west boundary. The application was deferred for more clarification on why a third access was necessary and justification for its requirement.

A supporting letter and amended plans were then submitted which altered the proposal, the southern access would be blocked up in lieu of a new access halfway along the western boundary, in addition to the existing northern access.

The blocking up of the southern access would be welcomed, but a second entrance on the western boundary is excessive, and in the interest of visual amenity and biodiversity the removal of a section of wall/earthbank is not appropriate.

This is because the west boundary of the field is the edge of the Conservation Area and so the boundary treatment is an important feature which contributes to the special character of the conservation area and landscape character.

An additional vehicular opening is not considered to respect the landscape character and would result in the unacceptable loss of roadside boundary which contributes to the wider landscape character and local distinctiveness of the area.

The two existing accesses are in good locations to serve the field, with the northern access serving the north end of the field and the south entrance serving the southern part of the field. No strong justification has been submitted to show that the two existing openings are inadequate.

Therefore, considering the reasons above the recommendation for this application is to refuse planning permission.

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: 21/02/2023