

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 fence to east boundary of agricultural land (Retrospective).

LOCATION: Marsden Cottage, Calais Lane, St. Martin.

APPLICANT: Mr & Mrs M Webber

I refer to the application referred to below received as valid on 31/01/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/03/2023

Drawing Nos: G E Le Friec: 1916 / F , 1916 / F2 & 1916 / L

Application Ref: FULL/2023/0057

Property Ref: J016690000

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 metal chain link fence is industrial and urban in appearance, rather than rural in character. The fence by virtue of its design and appearance does not respect the surrounding landscape character and agricultural setting of the site and therefore has a negative impact on visual amenity, contrary to Island Development Plan Policies GP1, GP8 and OC5(A).

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/2023/0057
Property Ref: J016690000
Valid date: 31/01/2023
Location: Marsden Cottage Calais Lane St. Martin Guernsey GY4 6AT
Proposal: Erect fence to east boundary of agricultural land
(Retrospective).
Applicant: Mr & Mrs M Webber

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The metal chain link fence is industrial and urban in appearance, rather than rural in character. The fence by virtue of its design and appearance does not respect the surrounding landscape character and agricultural setting of the site and therefore has a negative impact on visual amenity, contrary to Island Development Plan Policies GP1, GP8 and OC5(A).

OFFICER'S REPORT

Site Description:

The property known as 'Marsden Cottage' is a detached one and a half storey dwelling which is set back from and faces north onto Calais Lane. There are neighbouring properties to the east and west and beyond the garden and agricultural land belonging to the applicant there are agricultural fields to the south. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/0451 - Variations to plans previously approved to demolish existing and erect replacement dwelling, detached garage, alterations to vehicular access and change of use of agricultural land to domestic garden - Install window to east and west gable (retrospective) – Approved July 2021.

FULL/2019/1770 - Demolish existing and erect replacement dwelling, detached garage, alterations to vehicular access and change of use of agricultural land to domestic garden – Approved January 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This is a retrospective application to erect a metal post and chain link fence along the south section of the eastern boundary of agricultural land.

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

Representations:

There have been three letters of representation received and the issues are:

- An 'industrial' chain link fence is not in keeping with the agricultural land surrounding the area.
- The fence is very unfriendly to wildlife and affects the biodiversity of the site
- The replacement of the earthbank has negatively impacted wildlife
- Impact on neighbours' visual amenity.
- The fence is totally out of keeping.

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.

Policy OC5(A) states that proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan.

Policy GP1 states that development will be supported where it respects the relevant landscape character type within which it is set. The relevant criteria of GP8 would be that the development must achieve a good standard of design and respect the character of the open landscape concerned, in this case agricultural fields and domestic curtilage.

The fence is constructed of angled metal posts and chain link to a height of between 1.3m – 1.47m, which runs along the southern end of the eastern boundary, directly adjacent to the neighbouring property's dwelling and patio area.

The metal chain link material of the fence is industrial and urban in appearance, rather than rural in character and it is not considered to be an appropriate style of fencing for a boundary of agricultural land due to the negative impact on visual amenity. The fence does not comply with Policies GP1 or GP8 regarding respecting the landscape, and Policy OC5(A) is therefore also not complied with. 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: 20/03/2023