

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing dwelling and self-catering unit. Erect replacement dwelling, 1½ storey detached garage and self-catering unit with associated landscaping and change of use of agricultural land to domestic garden (287sqm). Relocate existing vehicle access, create pedestrian access and agricultural gated vehicle access.

LOCATION: Castaways, Le Petit Chalet & Le Courtil Renault field., La Rue Gros Jehan, La Rue Des Clotures, St. Martin.

APPLICANT: Mr & Mrs Le Huray

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: J67-10603-S1-01B, -03F, -09E, -10E, -12E, -14E, -15E, -16E, -20D, -21D, -22D, -23D, -24E, -25B, -30F, -31F, -32F, -33C, -34E, -35C, -36D, -37E, -40A, -41C, -42E, -43B & 44.

Application Ref: FULL/2023/1110

Property Ref: J013160000 + J01316A000 + J013200000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Notwithstanding the details submitted, any trees that are required to be removed as part of construction process of the replacement dwelling shall be submitted to and agreed in writing by the Authority. It would be expected that any trees to be removed shall be replaced in a similar position to offset its loss as set out in Section 42 of the Law (2005). The agreed works shall thereafter be implemented following the replacement dwelling being first occupied. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - There are a number of trees in close proximity to the west of the existing dwelling, therefore any construction works to lay new foundations etc, may require access around the perimeter of the existing house to undertake such works. This condition is applied to ensure that existing trees are retained where possible, and if necessary to remove certain trees, the applicant is required to agree this with the Authority. The trees makes an important contribution to the overall design of the scheme by assimilating the development into its rural surroundings.

5.Notwithstanding the information submitted and prior to the commencement of works on site (excluding demolition works), full details of a landscaping scheme to the west of the replacement dwelling-house, including the species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the new and existing landscaping is sufficient to satisfactorily assimilate the development into its rural surroundings in the interests of visual amenity. This condition is required as the full scale of the replacement dwelling, including the Gypsum wall board, is likely to be highly visible in long distance views to the west of the application site which would give the perception of a 4 storey building.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the main dwelling being first occupied. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and to assimilate the development into its rural surroundings.

7.Within 2 months of the new vehicular access hereby approved being formed, the existing vehicular access to the north of the dwelling shall be blocked up in accordance with the approved details.

Reason - to restrict the number of access points to the property in the interests of respecting visual amenity and the landscape character.

8.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development in the interest of visual amenity.

9.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surfaces areas;
- ii) full details of new tree and hedge planting and earthbanks;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.
- v) full details of the green roof, noting the species, sizes and numbers of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

10.For the avoidance of doubt and as set out in the Biodiversity Statement (page 15), should the hereby approved domestic curtilage extension to the south of the dwelling, or the remaining agricultural field to the south of the approved domestic curtilage

extension, be seeded or reseeded with a wildflower meadow or a grass mix, it must be undertaken using local native wildflower and/or grass seeds given its close proximity to a Site of Special Significance.

Reason - To avoid the introduction of non-native species which could spread into the Site of Special Significance and cause harm to the bio-diversity of this sensitive area.

11.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

12.This decision permits the replacement self-catering unit to be used only in accordance with Visitor economy use class 8 (non-serviced visitor accommodation) and for no other purpose of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. Due to the size of the self-catering unit, it does not permit the creation of an independent dwelling as this would require a separate grant of planning permission and involve different planning policy considerations.

Reason - To define the permission for the avoidance of any doubt. Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The self-catering unit can be used as a winter let but must be vacated by the 31st March and made ready and available for use as tourist holiday accommodation between 1st April to 31st October each year.

Please note that should any hard surfacing be required for the detached car parking area to the east of the dwelling as approved under Certificate of Lawful Use (CLU/2022/1554), then a separate planning application would need to be submitted to the Authority and would be assessed on its own merits.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1110
Property Ref: J013160000 + J01316A000 + J013200000
Valid date: 05/07/2023
Location: Castaways, Le Petit Chalet & Le Courtil Renault field. La Rue Gros Jehan La Rue Des Clotures St. Martin Guernsey GY4 6EW
Proposal: Demolish existing dwelling and self-catering unit. Erect replacement dwelling, 1½ storey detached garage and self-catering unit with associated landscaping and change of use of agricultural land to domestic garden (287sqm). Relocate existing vehicle access, create pedestrian access and agricultural gated vehicle access.
Applicant: Mr & Mrs Le Huray

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Notwithstanding the details submitted, any trees that are required to be removed as part of construction process of the replacement dwelling shall be submitted to and agreed in writing by the Authority. It would be expected that any trees to be removed shall be replaced in a similar position to offset its loss as set out in Section 42 of the Law (2005). The agreed works shall thereafter be implemented following the replacement dwelling being first occupied. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - There are a number of trees in close proximity to the west of the existing dwelling, therefore any construction works to lay new foundations etc, may require access around the perimeter of the existing house to undertake such works. This condition is applied to ensure that existing trees are retained where possible, and if necessary to remove certain trees, the applicant is required to agree this with the Authority. The trees makes an important contribution to the overall design of the scheme by assimilating the development into its rural surroundings.

5. Notwithstanding the information submitted and prior to the commencement of works on site (excluding demolition works), full details of a landscaping scheme to the west of the replacement dwelling-house, including the species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the new and existing landscaping is sufficient to satisfactorily assimilate the development into its rural surroundings in the interests of visual amenity. This condition is required as the full scale of the replacement dwelling, including the Gypsum wall board, is likely to be highly visible in long distance views to the west of the application site which would give the perception of a 4 storey building.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the main dwelling being first occupied. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and to assimilate the development into its rural surroundings.

7. Within 2 months of the new vehicular access hereby approved being formed, the existing vehicular access to the north of the dwelling shall be blocked up in accordance with the approved details.

Reason - to restrict the number of access points to the property in the interests of respecting visual amenity and the landscape character.

8. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development in the interest of visual amenity.

9. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surfaces areas;
- ii) full details of new tree and hedge planting and earthbanks;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.
- v) full details of the green roof, noting the species, sizes and numbers of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

10. For the avoidance of doubt and as set out in the Biodiversity Statement (page 15), should the hereby approved domestic curtilage extension to the south of the dwelling, or the remaining agricultural field to the south of the approved domestic curtilage extension, be seeded or reseeded with a wildflower meadow or a grass mix, it must be undertaken using local native wildflower and/or grass seeds given its close proximity to a Site of Special Significance.

Reason - To avoid the introduction of non-native species which could spread into the Site of Special Significance and cause harm to the bio-diversity of this sensitive area.

11. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

12. This decision permits the replacement self-catering unit to be used only in accordance with Visitor economy use class 8 (non-serviced visitor accommodation) and for no other purpose of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. Due to the size of the self-catering unit, it does not permit the creation of an independent dwelling as this would require a separate grant of planning permission and involve different planning policy considerations.

Reason - To define the permission for the avoidance of any doubt. Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The self-catering unit can be used as a winter let but must be vacated by the 31st March and made ready and available for use as tourist holiday accommodation between 1st April to 31st October each year.

Please note that should any hard surfacing be required for the detached car parking area to the east of the dwelling as approved under Certificate of Lawful Use (CLU/2022/1554), then a separate planning application would need to be submitted to the Authority and would be assessed on its own merits.

OFFICER'S REPORT

Site Description:

The site is located outside of the Centres and is in an Agriculture Priority Area as designated on the Island Development Plan Proposals Map.

The property comprises a detached, two-storey hipped roof dwelling-house, known as 'Castaways'. The property is served by a detached, two storey self-catering unit, known as 'Le Petit Chalet', both of which are located towards the end of La Rue Gros Jean. La Rue Gros Jean continues in a south-wards direction (running parallel and east of Castaways), although the surface of the road turns from tarmac to a dirt track and serves a neighbouring property known as Seagull House.

The dwelling and existing garage are located towards the north of the site, with the self-catering unit to the south of the main house. The self-catering unit is currently accessed by a narrow driveway which runs to the east of the dwelling. An area of agricultural land lies immediately adjacent (south) of the self-catering unit.

Both the dwelling and self-catering building were present in the 1938 orthophotograph and have undergone various adaptations and extensions over years, possess little architectural merit, although respect the prominent position of the site.

To the north of the dwelling, within the applicant's ownership, lies a dense area of trees and vegetation, although is sited outside of a Site of Special Significance and the Agriculture Priority Area as designated on the Island Development Plan Proposals Map. A Site of Special Significance is located to the west, and south-west of the self-catering unit.

The property is located at the top of a tree-lined escarpment which runs down to Saints Bay. Due to the position and height of the buildings, the site is visible from public vantage points. A hedge bank separates the curtilage of the dwelling with the larger parcel of agricultural land to the east, separated by La Rue Gros Jean, although no clear and obvious physical demarcation exists between the dwelling-house, the self-catering unit and the smaller parcel of agricultural land to the south, such as a mature hedgerow or earth bank, although the ground level does change somewhat.

To the east of the property lies a large area of agricultural land which runs parallel to the parcel of land containing the dwelling-house and self-catering unit. The larger area of agricultural land, understood to be known as 'Le Courtil Renault field', has been subject to a Certificate of Lawful Use application (CLU/2022/1554) where a small section of land to the north of the site was granted permission as a lawful car park. It is understood that the driveway serving the self-catering unit is too narrow for the majority of vehicles, therefore guests have been using the agricultural land as a car park (CLU/2022/1554).

Relevant History:

PREA/2022/0978	Extend and alter main dwelling and visitors accommodation and extend domestic curtilage and create vehicle access and parking area.	Pre-application enquiry
CLU/2022/1554	Regularise use of area of agricultural land for the parking of vehicles.	Granted
CURT/2022/0116	Definition of curtilage	
FULL/2022/0108 - Castaways	Change of use of Guest House (Visitor Accommodation Use Class 8) to dwelling (Residential Use Class 1).	Granted
PAPP/2003/4278	Construction of a garage / store.	Granted
PAPP/1993/0909 Castaways	Change of use of dwelling to guesthouse	Granted

1978	Reconstruct upper floors of dwelling.	Granted
1973	Change of use of guest house to dwelling	Granted

Existing Use(s):

Dwelling-house – Residential Use Class 1 – Castaways.

Self-catering unit – Visitor accommodation Use Class 8 (non-serviced) – Le Petit Chalet.

Agricultural land – Use Class 28 – parcel of land to the east and south of Castaways.

Brief Description of Development:

Planning permission is sought to demolish the dwelling-house and the self-catering unit and erect a replacement 3 storey dwelling, a 1½ storey detached garage and a single storey self-catering unit with associated landscaping. Permission is also sought to relocate the existing vehicular access, create a pedestrian access and install an agricultural gated vehicle access.

It is also proposed to change the use of agricultural land to domestic garden, with approximately 287sqm of agricultural land would be converted to domestic garden to the south of the self-catering unit.

Originally the application included changing the use of part of the larger parcel of agricultural land, located to the east of the dwelling house, to domestic garden. This originally proposed change of use equated to approximately 271sqm and served as an extension of the car park as approved under the Certificate of Lawful Use application (CLU/2022/1554). This has now been removed from the application as detailed below.

The replacement house comprises a double-pile design on a north-south axis. The proposal is split over 3 floors, with the lowest floor (the basement) being set into the hillside, whilst retaining its two-storey appearance from the front (east) of the site. Each floor is served by a mix of terraces and balconies and features a mix of materials including black painted render, granite walls and vertical timber cladding. A large full length (2.5 storey) glazed gable features to the south of the property. 24 solar panels are incorporated on the roof surface.

A detached double garage is located to the north of the site, and the property is served by a swimming pool to the south. The garage is designed to match the external appearance of the main house by utilising a combination of granite walls, timber cladding and a slate roof.

The self-catering unit comprises a single storey flat roof building which is set below the lower ground level of the main house. Similar to the main house, the self-catering unit is set into the hillside and features balustrading and ground floor level and above the roof. The exterior of the unit will be finished in granite and also features a 'green roof'.

The application has been supported by a Site Waste Management Plan and a Biodiversity Statement. A letter of support from the applicant was also received.

The application was deferred as concerns were raised with regards to the proposed car parking area on the agricultural field, together with the scale and mass of the replacement dwelling and the size of the self-catering accommodation proposed.

The agent has reduced the extent of car parking available on the field, reduced the scale of the dwelling, and reduced the size of the self-catering accommodation, in attempt to overcome the concerns raised. A Site Context Analysis has been provided to take into account wider views of the site.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
OC8 (A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses
GP1 Landscape Character and Open Land
GP2 Sites of Special Significance
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
GP15: Creation and Extension of Curtilage
IP9 Highway Safety, Accessibility and Capacity

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- Whether the replacement self-catering unit is of an appropriate size and design.

- Whether the proposed change of use of land would impact on the openness and landscape character of the area, together with the loss of agricultural land.

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.

The agent has set out in their Planning and Design Statement that any proposal must carefully consider the impact upon the use and nature of the existing agricultural land within the APA as well as the impact upon the surrounding SSS, including long range views from the surrounding cliff paths and across the valley.

The landscape category of the application site is regarded as a 'Coastal Landscape', and falls under 'Cliffs' as designated in the Island Development Plan Proposals Map. The application sites arguably straddles both definitions of Cliff Valleys and Cliff Tops as set out below:

*"The **Cliff Valleys** drain the first third of a mile of the Upland Plateau's southern edge. The valleys are mostly short (between 350 and 900 metres) and they are exposed to the full force of the sun and wind. As a result the vegetation is mostly semi-natural scrub; trees tend to establish only in the more sheltered upper reaches of the valleys. There are some mid-to-late twentieth century developments within these valleys which impact on their character.*

*The **Cliff Tops** are the areas immediately backing the crest of the cliffs. This sub-zone roughly covers the first 300 metres of the Upland Plateau's southern edge. This area drains south while most of the remainder of the Plateau drains to the north and west. The topland is generally flat, open pasture, divided by low earth banks and occasional fortifications and contrasting strongly with the vertical cliffs below. Although occasional glasshouses, trees and houses interrupt the flat open character of the landscape, particularly around Jerbourg, the topland still remains largely undeveloped."*

Replacement house:

The principle of a replacement dwelling on a one for one basis Outside of the Centres is supported under Policy GP13.

Policy GP8 and GP13 give a degree of flexibility to householder development with regards to the design of the proposed development in areas that are less sensitive to change. The site is not located in a Conservation Area, nor is the building protected.

That said, the application site is prominently located at the top of an escarpment and therefore it is sensitive to change (Policy GP1).

The existing dwelling is of low architectural merit and historic interest, albeit it respects the landscape by virtue of its scale, mass and form. Consequently, its overall contribution to the character of the area is limited, without sufficient grounds for its retention and therefore the demolition of the building is acceptable.

The position of the replacement dwelling will remain broadly the same when viewed in the wider context. In terms of Policy GP8, the replacement dwelling adopts a traditional building form i.e. a double pile pitched roof, and uses a range of materials over different floor levels to help reduce the overall bulk and mass of the building.

Whilst some concerns still remain over the scale, mass and bulk of the replacement dwelling particularly when considering the proposed west elevation, the scale and bulk of the development is not considered to cause unacceptable harm to this rural landscape. This decision has been reached when taking into account; the reduction in the scale of the building, the careful use of different materials and textures, and how the building 'sits' in multiple long-distance views as shown by the wider Site Context Analysis.

Consequently, the size of the house is large and therefore could have a feeling of 'heavy' and over dominant in the landscape, although the scheme achieves enough cohesion and a harmony by virtue of its detailed design. In particular, a good 'void-to-solid ratio' is demonstrated by the use of proportionately sized glazed openings and the remaining solid areas of walls. In addition, the use of solar panels which will help break-up the 'visual mass' of the roof in long-distance views, so will other design matters such as materiality as touched upon above. Moreover, the pitched roof to the rear (west) of the dwelling is set in from the larger pitched roof to the front of the property which in turn will help to create architectural interest whilst limiting the visual mass of the property when 'read' in oblique views from the opposite side of the valley, and from other vantage points.

Towards the north and east of the site, the replacement dwelling will appear to be a traditional 2 storey building when viewed along La Rue Gros Jean. Despite its increased mass and bulk, the viewpoints of the replacement dwelling along La Rue Gros Jean is not considered to cause significant harm to warrant refusal, particularly as the ridge height of the dwelling has been reduced to prevent interrupting the skyline.

Due to this combination of factors, the replacement dwelling is considered to achieve a 'good' standard of design for the purposes of Policy GP8, and is supported under Policy GP13. However, it is considered necessary and reasonable by condition to ensure that a new landscaping scheme is incorporated to the west of the replacement building to help assimilate the development into its rural environment. This will ensure that the building is 'read' as a 3-storey house set within the hillside, rather than a 4-storey property which would exacerbated the concerns already raised. Also, the

application is not clear as to whether trees are to be removed as part of the development, particularly to the west of the dwelling. A similar condition should be attached to ensure that any removal of trees is agreed in writing with the view that these are offset in a similar position to help 'soften' the replacement building due to its scale.

The landscape character and openness of the locality will be adversely affected to some extent due to the scale and mass of the dwelling, although the degree of harm would not cause unacceptable and irreversible damage to these sensitive rural surroundings. The replacement dwelling is supported in light of Policy GP1.

In addition, other large sized dwellings have been approved in similar rural and coastal locations, therefore large replacement dwellings do not always result in harm and are supported by the policies of the Island Development Plan which seeks to optimise multi-storey design whilst respecting the local context concerned.

Whilst the proposal is likely to overlook neighbouring residents to the east and south of the proposed dwelling by virtue of first floor fenestration, the distance and relationship is such that the proposal would not cause significant neighbour amenity issues.

Replacement garage:

The proposed garage adopts a good standard of design by virtue of its scale, form, massing, and materials. Whilst its siting of the garage is closer to La Rue Gros Jean, the position of the garage is similar to the existing and its design is considered to achieve a higher standard of architectural design which complements the material palate of that used on the replacement dwelling. A new earth bank surmounted with native fruit bearing species will help to 'soften' its appearance in the street scene. Overall, the proposed garage will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

Whilst the access point serving the dwelling is large, due to the configuration of car parking on site and restricted manoeuvrability, the rationale for the size proposed (approx. 7m) is considered reasonable and justified in this case. The new access will not result in any highway safety or traffic management issues and would not unduly affect the landscape, given that the existing, more prominent site access, will be infilled with soft landscaping which will in time positively contribute to the rural surroundings.

All other aspects of the development are acceptable.

With regard to Policy GP9 (Sustainable Development), the agent has demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

With regards to the Waste Management Plan, it is necessary to impose a condition to ensure that the Plan be continually monitored and updated as necessary to record the treatment/disposal of waste associated with the development.

On this basis, the replacement garage is compliant with the relevant Island Development Plan policies.

Replacement self-catering unit:

The existing level of visitor accommodation is in poor condition. The agent has noted that there is evidence of asbestos and damp. It is noted that accommodation is accessed by a steep pathway and therefore the agent has noted the aims to improve accessibility and connectivity to the external amenity space.

At present, the building negatively contributes to the landscape by virtue of its form, age and materiality. Replacement is acceptable provided that:

“the development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and,

“any additional facilities are ancillary or ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location.”

In light of the policy context above together with Policy GP1 and GP8, the replacement self-catering unit has been carefully considered by virtue of its single storey flat roof design. The building is set into the hillside and features a green roof, and again achieves a good ‘void-to-solid’ ratio, composition and materiality. The overall concept will ensure that the landscape character and openness of the area is not undermined as it has been sensitively designed. In addition, the scale of the self-catering is such that it does not add to the scale or visual mass of the overall development when ‘read’ from vantage points across the valley.

Whilst the extent of facilities is excessive for visitor accommodation, the proposal is for a two bedroom self-catering unit which would be marketed at the high end of the visitor accommodation provision outside of the Centres. The vitality of the Main or Local Centres is not undermined given that the proposal seeks to create a single unit of visitor accommodation.

It is noted that part of the building is to be used as a ‘housekeepers store’ in order to serve and maintain the accommodation.

The proposed pedestrian access would not adversely affect the landscape character due to its limited width and would provide a separate access to the self-catering unit for visitors which have parked their vehicles on the larger parcel of agricultural land to the east.

Whilst some concerns are raised over the pedestrian pathway serving the self-catering unit in respect of its length and linear position which is likely to draw the eye from across the valley, the degree of harm is likely to be limited. It would however be encouraged to plant trees or hedges, adjacent to the path to limit its conspicuousness.

This aspect of the proposal complies with Policy OC8 and all relevant planning policies.

Change use of agricultural land to domestic garden located to the south of the self-catering unit/dwelling:

The proposal seeks to change use of agricultural land to domestic garden located to the south of the self-catering unit. The agent refers to this area of Agricultural Priority Land as the 'Meadow', which encompasses an area of approximately 2020sqm.

The proposed change of use encompasses an area that represents 4% of the total area of agricultural land within the meadow. A vehicle access will be created off La Rue Gros Jean, therefore the field will be accessed independently, rather than through the curtilage of the dwelling-house. Similar to the above, the new access is of an acceptable size and would not unduly affect the landscape character by virtue of its position relative to the tarmac section of La Rue Gros Jean, given that the non-tarmac section of La Rue Gros Jean only serves one other property.

It is noted that the agent has not explicitly explained all of the criteria set out on the Planning Service's website as part of a change of use application within an APA, including factors such as the condition of the land, drainage etc. However, the agent has provided a statement from the Farmers Association. The statement indicates that there is no fundamental resistance to a limited size encroachment onto the agricultural land, noting that:

'the agricultural machinery may be impractical to efficiently and cost effectively farm the smaller of the two fields, and therefore some form of managed habitat/rewilding may be of benefit to the local area'.

Consequently, the proposed increase in the domestic curtilage, to be used in association with the ancillary visitor accommodation (and the dwelling-house when the self-catering unit is not in use), would have a limited effect on the openness of the area when viewed from public vantage points.

The assurances by the Farmers Association indicates that a good size parcel of agricultural land would remain within the APA. The proposal would also reinforce the demarcation between domestic land and agricultural land by the incorporation of an earth bank with native fruit species surmounted on top. This, together with the bio-diversity enhancements along the bank and the assurances that this parcel of land would be managed long-term to benefit wildlife, would positively contribute to the biodiversity of the area and the adjoining SSS. Other measures such as bird boxes, hedgehog houses, compost heaps, the removal of Sour Fig as well as the green roof on the self-catering unit have also been incorporated into the design. This aspect of the development has satisfactory taken into account the Strategy for Nature (2020)

The agent has also justified the proposed extension of curtilage in order to improve the facility and attractiveness of the self-catering unit by virtue of increasing and improving the external amenity space serving the visitor accommodation.

It is not considered reasonable nor necessary to remove the exemption rights afforded to the householder in order to minimise domestic development under the Exemptions Ordinance (2023) (Policy GP15) given that the extension of domestic curtilage is fairly limited and a large proportion of the domestic curtilage extension will be located to the rear of the self-catering unit when viewed from across the valley. The hedge bank to the east of the site is mature and restricts visual access into this aspect of the site.

For the purposes of Policy GP1, the proposal would respect the landscape character and does not result in any unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness. The proposal is considered to improve the physical access to open land and undeveloped land as a result of linking the meadow with the adjacent track to the east, which in turn, can be managed more effectively and efficiently than the current arrangement, should the land return to commercial agricultural in the future (Policy OC5A).

On this basis, the proposal would represent a reasonable encroachment onto agricultural land within the Agriculture Priority Area, on the basis to improve the quality of visitor accommodation. The proposal would not result in unacceptable harm to landscape character or openness of the surrounding area.

Detached car park located to the east of the dwelling:

In March 2023, a Certificate of Lawful Use was granted (CLU/2022/1554) which recognised a small area (approx. 65sqm) of agricultural land had been used as a car park for over 10 years.

The original scheme sought to change the use of a large area of agricultural land to domestic garden. However concerns were raised in respect of the size of the change of use. In response, the agent has reduced the area of car parking so that it matches the area of car parking as approved under the Certificate of Lawful Use

(CLU/2022/1554). Consequently, a change of use of land is no longer sought for this area of land, and therefore cannot be controlled by condition. The description of the development has also been amended for clarification. Should any hard surfacing be requested for this area of land, a separate planning application would need to be submitted and dealt with on its own merits.

However, the revised plans show a new earth bank along the southern edge of the car park to demarcate between the agricultural land and the car park. The position and length of the earth bank is acceptable, although no details have been submitted in terms of its height and form and planting scheme above, therefore it is reasonable that the detailed design of the earth bank is conditioned accordingly.

For the purposes of Policy GP1, the amended proposal would respect the landscape character and does not result in any unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness.

On this basis, the revised proposal does not encroach onto agricultural land within the Agriculture Priority Area and the proposal would not result in unacceptable harm to landscape character or openness of the surrounding area.

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.

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

The proposal would have no impact on Protected Buildings or Protected Trees. Due to close proximity of the site to the adjoining Site of Special Significance, it is likely that the proposal would be of benefit to the SSS through the incorporation of a range environmental enhancements including, earth banks, hedging, trees, bird/bat boxes and therefore would comply with Policy GP2. However a condition controlling the introduction of non-native species should be attached to the decision to avoid harm to the SSS due to its proximity.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 29/11/23

