

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 domestic garden (2,087sqm) and install BBQ area.

LOCATION: Les Galliennes, Route Des Talbots, St. Andrew.

APPLICANT: Mr & Mrs D Etasse

I refer to the application referred to below received as valid on 29/08/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/12/2023

Drawing Nos: PF+A Ltd: 7548-04/B1 & /B2.

Application Ref: FULL/2023/1523

Property Ref: K002840000

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 proposal would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area and would therefore fail to comply with Policies GP1 (Landscape Character and Open Land) and GP15 (Creation and Extension of Curtilage) part a). As the proposal does not meet the terms of all relevant policies, the application would also fail to meet the terms of Policy OC5(A) (Agriculture Outside of the Centres).

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/2023/1523
Property Ref: K002840000
Valid date: 29/08/2023
Location: Les Galliennes Route Des Talbots St. Andrew Guernsey GY6 8SQ
Proposal: Change of use of agricultural land to domestic garden (2,087sqm) and install BBQ area.
Applicant: Mr & Mrs D Etasse

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area and would therefore fail to comply with Policies GP1 (Landscape Character and Open Land) and GP15 (Creation and Extension of Curtilage) part a). As the proposal does not meet the terms of all relevant policies, the application would also fail to meet the terms of Policy OC5(A) (Agriculture Outside of the Centres).

OFFICER'S REPORT

Site Description:

The application site, as outlined in red on the proposed plan (Drawing No 7548-04/B1), comprises a house, enclosed barn and detached outbuilding, the associated domestic curtilage and the land to the south-west. The application site as shown on the submitted survey plan (Drawing No 7548-04/A1) does not include the area of the proposed works. Whilst all of the proposed works should be located within the red application site boundary, given this is the case on the proposed plans, the discrepancy between the plans would not prejudice the determination of the application in this case.

The house and enclosed barn at the application site date from before 1787, and both are arranged gable-on to the Route des Talbots. The recognised domestic curtilage of the property was initially extremely limited, running along the north elevation of the enclosed barn, including the small formal garden to the south-west of the house and the outbuildings and yard to the south-east of the house. Permission has however been granted for extension and alteration of the house and construction of a detached outbuilding to the south, and separately for an extension of curtilage to the south to enable provision of a new access to serve the house. Works are underway on the implementation of those permissions, including the demolition of the west wing of the house, construction of the outbuilding and formation of the new vehicular access.

The site ownership also extends to an area of c2.8 acres to the south-west and south-east of the buildings, running along the south-west of Route des Talbots towards the junction with L'Ecluse to the south-east. The land outside of the domestic curtilage was formerly under glass, however the glasshouses have been cleared from the site and the land is now open grassed land.

The site formerly included a 19th century open sided barn, located to the north of the buildings identified above, a smaller outbuilding located to the north of the enclosed barn and a former mill building located adjacent to Rue des Roquettes to the north. Those buildings are however now under separate ownership, and permission has been granted and implemented for the conversion of the open sided barn to residential use, including the creation of curtilage in association with that use. Permission has also been granted for the relocation of the access to the north-west of the enclosed barn, although this has not been fully implemented.

The whole of the house and enclosed barn, together with the roadside wall adjacent to those structures, is protected.

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

Relevant History:

15/10/20 FULL/2020/1273 Permission for change of use of agricultural land to domestic garden and create new vehicular access and parking area to east of dwelling.

23/12/21 FULL/2021/0031 Permission for conversion of barn to south-west of site into a dwelling, demolish outbuilding, alterations to wing, change of use of land to domestic, create new vehicular access and close existing access. (Revised scheme).

14/12/22 FULL/2022/0786 Permission to demolish extensions, extend and alter at ground and first floor levels, demolish and rebuild chimney and internal and fenestration alterations. Erect detached garage to east boundary and landscaping and lay cobbled driveway (Protected Building).

FULL/2023/0441 Convert barn/store to west of dwelling into residential dwelling (Protected Building). Pending.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission is sought to change the use of the land to extend the domestic curtilage associated with the house and adjacent barn between 25m-35m to the south-west,

extending as far as the stream which runs in the valley bottom. Within the extended curtilage it is proposed to form a BBQ area.

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

Extension of curtilage

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

Strategy for Nature

Creation of BBQ area

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

OC9 Leisure and Recreation Outside of the Centres

Representations:

La Societe Guernesiaise comment as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that whilst the application includes broad biodiversity measures, it does not provide the details which would enable us to consider the suitability of any planting, especially of trees, shrubs and wildflowers. Neither is there any information on how grassed areas would be managed in terms of (for example) mowing regimes, the treatment of cuttings and the approach to the use of agri-chemicals. The existing landscaping on the wider site is 'parkscape' in nature in respect of its semi-formal tree planting and formal lawns and as such, supports only low levels of biodiversity.

We note that the field is within an Agricultural Priority Area.

We would mention that the landowner could undertake most of the proposals if the area was to retain its current agricultural land classification.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

Consultations:

None undertaken.

Summary of Issues:

Impact on open landscape character;
Impact on the Agriculture Priority Area;
Impact on biodiversity and provision of a scheme of mitigation.

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).**

Permission is requested to change the use of part of the agricultural land located to the rear of the building group, measuring approximately 2087sqm, to domestic land for use in association with the domestic use of the site.

Policy OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

Policy GP1 states that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

The application site forms part of a wider ownership of land, situated within the Talbot Valley and located linearly along the valley bottom, with the stream running through the valley transecting the land south-north and the Route Des Talbots running along the north-east boundary, elevated above the application site and associated land. The building group at the site is located adjacent to the roadside, with the remainder of the land, located both within and outside of the application site, extending across and along the valley bottom to the west and south being undeveloped in nature. Historically, glasshouses were located between the building group and the stream at the valley bottom, and the land was terraced to support this horticultural use. The glasshouses and associated structures, excepting two remaining chimneys, have however been removed and the land would be defined as agricultural for planning purposes, in accordance with Section 45a of the Land Planning and Development (Guernsey) Law, 2005 (as amended by the Land Planning and Development (Special Controls) Ordinance, 2007). Evidence of the terracing remains on site.

The majority of the application site and the wider land within the applicant's ownership, together with the adjoining land to the north, was identified as semi-natural broadleaved woodland in the Habitat Survey 2018, with pockets of dense scrub to the western part of the application site and further scrub and semi-improved marshy grassland to the west of the stream. This vegetation, together with the built form on and adjacent to the site, largely prevented any views of the land which forms the subject of this application from the north, north-east and east and ensured it was

heavily obscured in views from the south-east. Subsequent to that survey significant land clearance has however been undertaken, significantly altering the habitats, appearance and value of the land and enabling views across the land from the road to the south-east of the site.

The form and character of the site and associated land is consistent with the description of the Island's valley systems set out within the Landscape Character Assessments in Annex V of the IDP. That Annex describes the valleys as forming narrow, enclosed, tree-lined folds which divide the Plateau into high ridges, and specifically identifies the Talbot Valley as standing out as a larger and broader example of this landscape type. The description continues to note that, in the valley bottoms, open meadows provide surprising linear views along the valleys, creating relief from the generally tight enclosure of the often wooded valley sides but that in places glasshouses, development and garden planting impact on the form and semi-natural character of the landscape.

In this case, notwithstanding the terracing across the site, the land at the application site forms part of the continuous valley landscape extending along the valley bottom and the land clearance has restored linear views along the valley, albeit with some detrimental impact on the biodiversity value of the land. The land very clearly forms part of the surrounding open valley landscape and, notwithstanding the land clearance, is consistent with the underlying landscape character. As stated within the Annex V description, the change of use of the land for domestic use would be likely to have a negative impact on this landscape character, allowing potential for incursion of domestic features, activities, planting and boundary forms which would detract from the open and continuous landscape.

The stated intention is to manage the site and associated land as a whole, and it is not therefore proposed to provide any demarcation between the proposed curtilage and the land to the south. It is agreed that the provision of demarcation across the landscape would significantly detract from the open nature of the valley bottom, however without any demarcation there is no means by which to control the use of the site or to prevent encroachment of the domestic use on to the surrounding open land.

In this case the change of use appears to be proposed to enhance the recreational amenity space associated with the dwellinghouse. The dwellinghouse benefits from existing amenity space, albeit limited, and no information has been submitted to demonstrate that the change of use is necessary. Whilst it is noted that the change of use is also indicated to provide additional amenity space associated with the proposed barn conversion to the north of the site (ref FULL/2023/0441), that application has not yet been determined and cannot form a basis for supporting the current application. As it stands the existing dwellinghouse is served by the whole of the courtyard area between the enclosed barn and the dwelling, and benefits from ancillary floor space within that barn and the new outbuilding to the south.

In light of the above, it is considered that the proposed change of use would comprise an unnecessary incursion into the open valley bottom, which would have an unacceptable impact on the open landscape character of the area, and the proposal would therefore fail to meet the terms of Policy GP1.

Policy GP15 sets out five criteria which must be met for an application to be successful.

As set out above, the proposal would have an unacceptable impact on landscape character and would not therefore meet the terms of part a) of Policy GP15.

The site is not located within or adjacent to an Area of Biodiversity Importance, and therefore part b) is not relevant.

The application site is located within an Agriculture Priority Area, and was formerly used for horticulture. As set out within the covering statement for the application, the site has not however been in horticultural use for some time and, whilst legally defined as agricultural, has not been used for agriculture following clearance of the glasshouses. On balance, taking into account the constraints of the site set out in the submitted letter, including the topography, access, position relative to the existing building group and functional agricultural land, and the treed/vegetated nature of the surrounding area, together with the small scale of the land relative to current commercial agricultural requirements, it is considered that the application has adequately demonstrated that the land would not be likely to positively contribute to the commercial agricultural use of the designated area, and the application would therefore comply with part c) of Policy GP15.

No boundary features are to be removed, therefore part d) is not relevant.

The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents and would comply with part e).

In light of the above, the proposal would fail to meet the terms of part a) of Policy GP15.

The Strategy for Nature Supplementary Planning Guidance would also be relevant to the consideration of this application, and seeks for proposals to include measures to enhance the natural environment.

As stated above the biodiversity value of the site has been diminished subsequent to recent land clearance, removing the former varied, if unmanaged, habitat and currently retaining managed grassland with some tree planting, and limited storage of building materials.

Under the current application, the level terraced areas are to be retained as a domestic lawn, for the recreational use of the occupants of the house. To address the requirements of the Strategy for Nature, it is proposed to retain and extend the "wild grass area" forming the southern part of the proposed curtilage, and to the west of the barn, to plant "additional planting" on the existing grass banks between the terraces and to form wildflower planting to the north of the proposed curtilage. In addition, it is proposed to install 5no bug hotels within the extended curtilage. No details have however been provided in respect of the proposed planting or the management of

these areas, and there is a concern that the proposal could result in a park land type character, as opposed to the semi-natural landscape described within Annex V. A more detailed scheme, setting out how this planting would respect the landscape character of the area, would be required to fully address the requirements of the Strategy for Nature.

In conclusion, the proposal would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area and would therefore fail to comply with Policies GP1 and GP15 part a). As the proposal does not meet the terms of all relevant policies, the application would also fail to meet the terms of Policy OC5(A). Consequently, the application must be recommended for refusal.

As the proposed change of use does not meet the terms of policy, the proposed creation of a BBQ area could not be considered under Policy GP13 (Householder Development) and an assessment of this element has not been made under the other relevant planning policies. There may however be scope to consider the creation of a BBQ area as indicated, on the agricultural land, under Policy OC9 (Leisure and Recreation Outside of the Centres), subject to appropriate detailing, were a separate application made just for that work.

The proposed plans include works associated with the pending application FULL/2023/0441. For the avoidance of doubt, any decision made under this application is separate to consideration of that application.

The proposed plans also state “Preliminary”, however, given the recommendation for refusal, there would be no benefit to requesting revised plans.

Date: 14/12/2023

