

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: Create new agricultural gated vehicle access and hardstanding to south boundary (Protected Building).

LOCATION: Solidor Vinery, La Folie Lane, Vale.

APPLICANT: Mr C Foss

I refer to the application referred to below received as valid on 09/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/06/2024

Drawing Nos: Drawing/annotated photographs ref: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14; drawing unnumbered/referenced.

Application Ref: FULL/2023/2489

Property Ref: C012140000

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 proposed removal of a large section of the roadside wall would have a detrimental effect on the landscape character and appearance of the area, contrary to Policy GP1 (Landscape Character and Open Land) of the adopted Island Development Plan.

2. The parking area created is not justified for the level of use of the site and represents the unnecessary loss of open and undeveloped land (Policy GP1) and does not achieve a 'good' standard of design (Policy GP8, Design).

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/2023/2489
Property Ref: C012140000
Valid date: 09/01/2024
Location: Solidor Vinery La Folie Lane Vale Guernsey GY3 5SE
Proposal: Create new agricultural gated vehicle access and hardstanding to south boundary (Protected Building).
Applicant: Mr C Foss

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed removal of a large section of the roadside wall would have a detrimental effect on the landscape character and appearance of the area, contrary to Policy GP1 (Landscape Character and Open Land) of the adopted Island Development Plan.
 2. The parking area created is not justified for the level of use of the site and represents the unnecessary loss of open and undeveloped land (Policy GP1) and does not achieve a 'good' standard of design (Policy GP8, Design).
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OFFICER'S REPORT

Site Description:

The property consists of a traditional detached dwelling known as 'Solidor'. The property is a protected building, and is served by a garden and access point to the front (south) of the dwelling, and rear garden to the north.

The property adjoins an open area of agricultural land to the east of the recognised domestic curtilage, and there is no obvious boundary treatment, e.g. a hedge or earthbank, that exists between the domestic curtilage associated with the house, and the agricultural land to the east. The demarcation between the two land uses appears to comprise of a mix of scrub vegetation and a very low drystone wall. The agricultural land is currently accessed from the rear of Solidor. The main dwelling and agricultural land is under the same ownership.

A large proportion of the agricultural land houses redundant glasshouses which are primarily located towards the east and south of the field.

The agricultural land is bounded by a low granite wall to the front (south) of the site.

Relevant History:

PREA/2023/2366	Demolish existing workshop/shed and modify existing pigsty to create new workshop/studio. (Protected Building).	Pre-application enquiry
FULL/2023/1559	Create new agricultural vehicle access and hardstanding to south boundary (Protected Building).	Pre-application enquiry
PREA/2023/1278	Demolish greenhouse and create new vehicle access	Pre-application enquiry
PREA/2016/1154	Erection of new glasshouse, erect two wind turbines, construct water features/reservoirs and widen access	Pre-application enquiry

Existing Use(s):

Agriculture.

Brief Description of Development:

Planning permission is sought to form a new vehicle access and create an area of hardstanding adjacent to the south boundary of an agricultural field, known as 'Solidor Vinery'.

It is noted in the applicant's letter of 12th December 2023 that an 8m wide access will temporarily be formed to allow larger vehicles to enter the site and clear the redundant glasshouses. Once the glass is removed, the access point will be reduced to 7.31m along the road verge, reducing to 5.15m by virtue of a bell-mouth design. The roadside wall height will not be affected. The land would remain in agricultural use for growing following the removal of the glasshouses.

The applicant has noted the intention to create a larger access point once the glasshouses have been removed to act as a passing place.

It is also proposed to create a large area of hardstanding, irregular in shape, towards the south of the site, made from granite aggregate topped with gravel.

The application was deferred to request the display of the site notice and concerns were raised with regards to the proposed development and the justification provided.

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
GP5 Protected Buildings
GP8 Design
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received two representations from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Matters concerning display of Site Notice.
- Drainage.
- Excess hardstanding and indication of heavy traffic and other uses.
- Impact on landscape character and amenity of the area.
- Impact on neighbouring residents via noise and dust pollution.
- Indication of extension of curtilage.
- Inaccuracies with the information submitted.

Consultations:

None.

Summary of Issues:

- Whether the design of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- Whether the proposed vehicle access point is acceptable and would not negatively impact on highway safety.

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).**

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.

The application includes the demolition of redundant glasshouses which itself does not require planning permission, although it is expected under Planning Law that once the horticultural use of the site has ceased, the glasshouses are cleared from the site, and that the land be returned to agricultural use. This expectation is set out in paragraph 17.5.1. of Policy OC7. Despite the site consisting of a Redundant Glasshouse Site, the application does not seek to develop the land i.e. a change of use, or result in operational development such as erect a building/structure on the land, therefore Policy OC7 is not engaged.

Whilst the principle to temporarily create a large (8m) vehicle access in order to assist in the clearance of redundant glasshouses could be supported, retaining a large access

(7.31m along the road verge) would have a detrimental effect on the landscape character and appearance of the area, particularly as the use of the land will remain for agricultural purposes. The proposal to have a larger access to create a passing point in the road is acknowledged, although no evidence has been submitted to substantiate the requirement for this, particularly as the road is recognised as a Neighbourhood Road which is typically regarded for having low traffic speeds and volumes.

Moreover, the creation of a large section of hardstanding on agricultural land is not considered to achieve 'good' design for the purposes of Policy GP8, particularly as the use will remain for growing produce. It is also unclear why a new area of hard surfacing would be required given that the applicant resides in Solidor which is located a short distance from the agricultural land in question and could incorporate a pedestrian access between the sites. The applicant has also dismissed utilising the existing access serving Solidor and the vinery site as part of any proposed development.

Consequently, without any cogent justification for the size of hardstanding proposed the extent and resultant impact of the large area of hardstanding is considered to be unnecessary development on open and undeveloped land and does not respect the landscape character or appearance of the area. 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 an area."

In light of the considerations above, the proposal does not accord with the relevant planning policies and therefore it is recommended that the application be refused in its current form.

The proposal is not considered to adversely affect the amenities of neighbouring residents. In addition, the proposal will not affect the setting of the adjacent protected building (Solidor), and therefore complies with Policy GP5.

Date: 28/06/2024