

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 shed to north boundary, erect 4 covered seating structures to west of site, and erect gated archway and fencing (Retrospective) (site of special significance).

LOCATION: Moulin Huet Tea Room, Rue Du Moulin Huet, St. Martin.

APPLICANT: CB Catering Ltd

I refer to the application referred to below received as valid on 18/03/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/05/2024

Drawing Nos: CCD Architects - 3814 PL01

Application Ref: FULL/2024/0469

Property Ref: J01365A000

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 trellis fencing is considered to be intrusive in the landscape causing unacceptable adverse impacts on the character of the area, which does not comply with Policies OC9 and 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/2024/0469
Property Ref: J01365A000
Valid date: 18/03/2024
Location: Moulin Huet Tea Room Rue Du Moulin Huet St. Martin
Guernsey GY4 6EJ
Proposal: Erect shed to north boundary, erect 4 covered seating
structures to west of site, and erect gated archway and fencing
(Retrospective) (site of special significance).
Applicant: CB Catering Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The trellis fencing is considered to be intrusive in the landscape causing unacceptable adverse impacts on the character of the area, which does not comply with Policies OC9 and GP1.

OFFICER'S REPORT

Site Description:

The site known as 'Moulin Huet Tea rooms' is located at the bottom of the road to Moulin Huet, south of the footpath leading to the beach. The land slopes from the northwest down to the southeast. The whole area is a Site of Special Significance and the property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Retail use class 11: food.

Brief Description of Development:

This is a retrospective application to erect a shed to the west (rear) of the existing tearoom to house gardening equipment, erect 4 timber covered seating structures in the lower garden area to the southeast of the tearoom, and erect two gated archways at the pedestrian accesses and a trellis fence along the majority of the northern

boundary, adjacent to the public footpath and along the southeast boundary adjacent to the public cliff path.

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

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance

GP8: Design

Representations:

There has been one letter of representation received supporting the application.

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS)

'We note that the site of the proposed development is designated as a Site of Special Significance (SSS), and forms part of the South Coast Cliffs SSS. The development appears to be entirely contained within the area currently used as curtilage by the tearooms and appears to be comprised of amenity grassland, a habitat of low conservation value. The proposals, therefore, are unlikely to cause any significant impact on the special interest of the SSS.'

We note that the application does not include additional external lighting. Given the potential for external lighting to cause light pollution within the SSS, Planning Services may wish to consider highlighting this through a suitably worded condition.

We also note that the application does not include a landscaping scheme. Should one be required as a condition to this application we would be pleased to review it to ensure that it does not contain any invasive non-native species which may impact on the special interest of the SSS.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on the Site of Special Significance.

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 path-side trellising and arches over the gateways are considered to be intrusive within the landscape, especially as this part of the island is promoted for its historic

status as frequented by the French painter Renoir. The pathway down to the beach has views over Moulin Huet bay, the proposed enclosure of this northern and south-east boundary with the long run of suburban type trellising detracts from the view, and is considered to be a detrimental addition both in terms of design and visual amenity to the premises. The arches over the solid gates are considered to be excessive in height and scale contributing to the detrimental impact of the development on the visual amenity and natural beauty of the area.

The construction of the timber shed to the rear of the tea rooms is not considered to have any adverse effects on the character and appearance of the surrounding area or on the site of special significance.

The installation of the four timber picnic tables with covered shade are also considered to be appropriate additions to the tea room garden, giving the clients more choice when it comes to seating. The natural timber material means they blend onto the area, especially as the hillside rises up behind them. They would not have any detrimental impacts on the surrounding area or on the site of special significance.

In conclusion however, the trellising is considered to have an unacceptable adverse impact on the character of the area, it does not respect the surrounding landscape and the design is not considered to be appropriate for this area. Therefore the recommendation of this application is one of refusal.

Although the applicant has noted that fencing is required as part of the liquor licence requirements, this is not the case. The omission of the fencing would therefore have no impact on the operation and provisions offered by the business.

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 Planning and Development (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 and/or buildings).

The proposal would have no impact on Protected Buildings, Trees or Monuments.

Date: 02/05/2024