

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 fences to top and side of earth-bank to north boundary.

LOCATION: La Croute, Route De La Palloterie, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Whittaker

I refer to the application referred to below received as valid on 25/04/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/07/2024

Drawing Nos: Tyrrell Dowinton Associates - 2372 03.101A, 102A

Application Ref: FULL/2024/0761

Property Ref: F014420000

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 timber and concrete fence proposed is solid and urban in appearance and it is not considered to be an appropriate style or design of fencing for the boundary adjacent to agricultural land in this locality. The fence does not comply with Policies GP1 or GP8 regarding respecting the landscape, and Policy OC5(A) is therefore also not complied with. The style of fence proposed is also not considered to conserve or enhance the conservation area and would thus be contrary to Policy GP4.

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/2024/0761
Property Ref: F014420000
Valid date: 25/04/2024
Location: La Croute Route De La Palloterie St. Pierre Du Bois Guernsey
GY7 9BA
Proposal: Erect fences to top and side of earth-bank to north boundary.
Applicant: Mr & Mrs Whittaker

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The timber and concrete fence proposed is solid and urban in appearance and it is not considered to be an appropriate style or design of fencing for the boundary adjacent to agricultural land in this locality. The fence does not comply with Policies GP1 or GP8 regarding respecting the landscape, and Policy OC5(A) is therefore also not complied with. The style of fence proposed is also not considered to conserve or enhance the conservation area and would thus be contrary to Policy GP4.

OFFICER'S REPORT

Site Description:

The property known as 'La Croute' is a large detached granite faced 18th century farmhouse, which has been extended over the years. The property is set back from and faces southeast onto Route de la Palloterie. There are other large detached neighbouring properties to the northwest and southeast and across the road to the southwest. The property is located Outside of the Centres and within a Conservation Area and is within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a 1.95m high timber fence with concrete posts and concrete gravel boards on top of an existing 500mm-800mm high earthbank for a length of just under 66m along the north boundary.

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

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

Representations:

Two letters of representation have been received and the issues are:

- Part of the application is said to include land which belongs to the neighbours.
- The properties La Croute and Les Menages are part of a Conservation Area
- If the application is granted the impact upon Les Menages and its garden will be to impose a tall incongruous structure more suited to an urban environment and not an area singled out as a Conservation Area.
- The fence will impact negatively upon the character and quality of the natural environment which is predominantly rural.
- The fence will be inappropriate in relation to its surroundings in terms of its design and the materials used.
- The fence will adversely affect the character and amenity of the locality in question.

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 Policy GP8 notes that 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.

La Croute is part of the Les Bruliaux Conservation Area which has been designated as such because of the special relationships of buildings with open spaces and with the road which winds between them. This is an important example of a cliff top settlement, located on high ground in close proximity to the Island's south coast, where traditional earth banks and formal stone boundaries give strong enclosure and have a significant impact on character and where open areas provide views of historic development.

Initially the proposal was to erect a 1.95m high solid composite fence, which would look very urban and prevent the local fauna from moving freely between open areas. The application was deferred suggesting that a high-grade post and wire fence would be more appropriate in such a rural area, especially given the proposed length of the fence, at just under 66m.

The agent responded by changing the fence to timber panels with concrete posts and concrete gravel boards. This option, although slightly better as timber is a natural material, is still considered to be too solid and of an urban appearance and design for this locality.

Within Conservation Areas proposals will be supported where the development conserves and, where possible, enhances the special character and appearance of the particular Conservation Area. The style of fence proposed is not considered to conserve or enhance the conservation area and would thus be contrary to Policy GP4.

In summary, the timber and concrete fence is considered solid and urban in appearance and it is not considered to be an appropriate style of fencing for a boundary of the 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. The style of fence proposed is not considered to conserve or enhance the conservation area and would thus be contrary to Policy GP4. 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 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, buildings and/or SSS's).

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

Date: 29/07/2024