

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 gates to agricultural field to north (roadside) and internal field boundary to east and west of site (retrospective).

LOCATION: Land adjacent to, Le Gardinet, Ruelle Des Cherfs, Castel.

APPLICANT: Mr & Mrs J Regnard

I refer to the application referred to below received as valid on 24/06/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/08/2024

Drawing Nos: Tyrrell Dowinton Associates - 2443/03.01, 03.02, 03.03, 03.04 & 03.05
Jacksons Fencing - 2443/03.06, 03.07 & J7/02179

Application Ref: FULL/2024/1047

Property Ref: D013150000 + D014310000

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 height and design of gates 1 and 2 are of a domestic nature and do not respect the agricultural and undeveloped character of the land that they would serve. The height and design of gates 1 and 2 have an adverse effect on and do not respect the open landscape character of the area and they restrict visual access to the open and undeveloped land. The proposal does not accord with Policies GP1 and GP8.

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/2024/1047
Property Ref: D013150000 + D014310000
Valid date: 24/06/2024
Location: Land adjacent to Le Gardinet Ruelle Des Cherfs Castel
Guernsey
Proposal: Erect gates to agricultural field to north (roadside) and internal
field boundary to east and west of site (retrospective).
Applicant: Mr & Mrs J Regnard

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The height and design of gates 1 and 2 are of a domestic nature and do not respect the agricultural and undeveloped character of the land that they would serve. The height and design of gates 1 and 2 have an adverse effect on and do not respect the open landscape character of the area and they restrict visual access to the open and undeveloped land. The proposal does not accord with Policies GP1 and GP8.

OFFICER'S REPORT

Site Description:

The site consists of an area of agricultural land comprising of a series of agricultural fields with an agricultural building to the east of the site and an agricultural building along the south boundary. The site is situated within an Agriculture Priority Area and is Outside of the Centres.

Under the same ownership to the west is a traditional farmhouse and outbuildings of varying age including stable blocks.

Relevant History:

FULL/2024/0983 - Application pending to demolish existing agricultural building, erect replacement agricultural building/store to south boundary.

FULL/2024/1045 – Application pending to erect temporary stables to south boundary (retrospective) (revised scheme).

24/11/2023 – FULL/2023/1439 – Application refused to erect 2 stables to east of site for a temporary period.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Retrospective planning permission is requested to erect 4 gates, 2 to the north boundary of the agricultural land, 1 to the east boundary of the agricultural land and 1 along an internal field boundary. Two of the gates (gates 3 and 4) are of a 1.2m high 6 bar metal farm style design with weldmesh cladding over the lower 3 bars. The two gates along the north boundary (gates 1 and 2) are of a 2m high solid timber design with 1.85m high metal posts.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

Two representations objecting to the application were received, main points as follows:

- Concerned about the amount of development being undertaken on agricultural land, much of which has been done without planning approval.
- Large wooden gates are out of character with the agricultural land, lane and pedestrian pathway.
- The gates should be replaced with wooden or metal 5 bar gates.

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the design and impact of the gates on the character, visual amenity and openness of the area.

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).**

The agent advises that gates 3 and 4 are situated across historical agricultural openings which have been re-opened. Whilst the extent of the works to re-open these openings is

unclear, the siting, width and design of gates 3 and 4 are appropriate to their agricultural setting, they provide access across and between the agricultural land and there are no objections to their re-opening or the design of the gates that have been installed.

The height and design of gates 1 and 2 are of a domestic nature and do not respect the agricultural and undeveloped character of the land that they would serve. The agent advises that the height and design of gates 1 and 2 is due to requiring a little more security. However, this justification is unconvincing considering the use and nature of the land (i.e. a large expanse of open and undeveloped agricultural land) and the height and nature of the remainder of the boundaries around the agricultural land. The height and design of gates 1 and 2 have an adverse effect on and do not respect the open landscape character of the area and they restrict visual access to the open and undeveloped land. The proposal does not accord with Policies GP1 and GP8.

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.

It is recommended that the application is refused.

Date: 28/08/2024

