

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 fence to west boundary to domestic garden and agricultural land.

LOCATION: A Jaumais, Rue Des Corneilles, Castel.

APPLICANT: Ms C M O'Sullivan

I refer to the application referred to below received as valid on 02/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/12/2025

Drawing Nos: SOUP: 505_20 (D), 21 (D)

Application Ref: FULL/2025/1330

Property Ref: D013030000+D013050000

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. A solid timber fence would introduce a visually hard enclosure into this setting which is not an appropriate style or design of fencing for the boundary adjacent to agricultural land and adjacent to a public footpath in such a natural setting. The fence would introduce an inappropriate feature within this landscape having a significant impact on the visual amenity and character of the area and does not comply with Island Development Plan Policies GP1 and GP8 regarding respecting the landscape. As such, it would also fail to meet Policy OC5(B).

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/2025/1330
Property Ref: D013030000+D013050000
Valid date: 02/09/2025
Location: A Jaumais Rue Des Corneilles Castel Guernsey GY5 7PP
Proposal: Erect fence to west boundary to domestic garden and agricultural land.
Applicant: Ms C M O'Sullivan

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. A solid timber fence would introduce a visually hard enclosure into this setting which is not an appropriate style or design of fencing for the boundary adjacent to agricultural land and adjacent to a public footpath in such a natural setting. The fence would introduce an inappropriate feature within this landscape having a significant impact on the visual amenity and character of the area and does not comply with Island Development Plan Policies GP1 and GP8 regarding respecting the landscape. As such, it would also fail to meet Policy OC5(B).

OFFICER'S REPORT

Site Description:

The property known as 'A Jaumais' is a 1970's bungalow which had a large extension added in 2012. The dwelling is located in the southwest corner of a large square site. The domestic curtilage is limited to the south-west corner of the site and driveway, the land to the east and north comprises agricultural land. Along the east boundary of the site is the road, Rue des Corneilles, along the north and west boundaries are public footpaths, Sous la Lande, with La Guet pine forest beyond to the west, and to the south is an open field. The property is located Outside of the Centres as defined in the Island Development Plan.

Despite the scattered built environment to the north, east and south of the application site, the surrounding area has a relatively undeveloped, open and rural nature, particularly when considering the footpath to the west, which contributes to the landscape character and amenity of the area.

Relevant History:

FULL/2023/0963 – Alter earthbank and erect retaining wall to West boundary (retrospective) (Revised scheme) – Approved August 2023.

FULL/2022/1931 - Remove hedge to east of property, erect walls to west and east of property, erect outbuilding/pool house, erect shed (retrospective). Erect pool plant, install air source heat pump and resurface section of driveway – Approved February 2023.

FULL/2022/1043 - Remove earthbank and hedges (retrospective). Erect single storey outbuilding/pool house, erect fence to north and west boundary – Refused August 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to erect a 2m high solid timber fence to the west boundary of the domestic curtilage and the agricultural land.

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

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Representations:

None.

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(B) 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. Policy GP8 (Design) is also relevant, the preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

Whilst it is recognised that in less sensitive areas a degree of personal choice may be exerted by householders with regards to design matters, this level of flexibility is carefully balanced against public interest. The immediate surrounding area is predominantly characterised by relatively low granite walls, earthbanks and soft landscaped features, including trees and hedges, and contains several public footpaths.

The historic west boundary treatment was an earthbank, with a mix of hedging and trees planted on it. Initially, when the present owner decided to remove the earthbank and cut back the naturally grown boundary, a timber fence with faux green plastic foliage on the applicant's side was erected. It was deemed a detrimental replacement that was not appropriate for the rural area in which it was located. The fence was then replaced with a solid timber fence, which was higher and not a characteristic feature of the rural landscape in which it sits, and a retrospective application (FULL/2022/1043) for its retention was subsequently refused.

A green mesh fence was subsequently permitted under FULL/2023/0963 for a temporary period of 18 months or until the hedge plants, which were planted to fill the area where the planting was removed, had reached a certain height.

The proposed fence subject of this application is a solid timber fence proposed to be positioned in a similar location as the existing temporary fence, (which will be removed) at the south end of the west boundary and a metre to the east from the existing temporary fence at the north end of the west boundary. The southern part of the west boundary is between the public footpath and the domestic curtilage and the northern

end of the west boundary is between the public footpath and the agricultural land. The two areas have very different characteristics in this rural location.

Now the hedging has established, it once again provides natural screening to the west boundary of the site and provides the soft landscape features characteristic to this area.

The proposal to put a 2m high solid timber fence along the western boundary of the domestic curtilage is considered acceptable, as this is a characteristic for boundaries around domestic curtilages.

However, to locate the same fence along half of the western boundary with the agricultural land is not considered of an appropriate or acceptable form due to its domestication of and impact on the open nature of the area.

A solid timber fence would introduce a visually hard enclosure into this setting which is akin to an urban environment and not an appropriate style or design of fencing for the boundary adjacent to agricultural land and adjacent to a public footpath in such a natural setting. The fence would introduce an inappropriate feature within this landscape having a significant impact on the visual amenity and character of the area and does not comply with Policies GP1 or GP8 regarding respecting the landscape. As such, it would also fail to meet Policy OC5(B).

Although commitment has been given by the applicant within the supporting letter stating that the fence would be covered in creepers to provide screening, planting cannot be relied upon to screen the fence, the plants may die or be removed resulting in the solid fence become the overly dominant feature of the area, which would be detrimental to the visual amenity and landscape character of the area.

Other matters raised within the application in support of the proposal have been considered but do not outweigh the harm arising from the proposal to the visual amenity and character of the area. In this instance the recommended decision for this application is therefore one of refusal.

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 considered 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: 08/12/2025

