



PLANNING APPLICATION REPORT

Application No: OP/2020/1836
Property Ref: K00184F000
Valid date: 16/11/2020
Location: Whincroft Vinery & Adjacent Land Route De La Croix Au Bailiff
St. Andrew Guernsey
Proposal: Outline application to demolish existing dwelling and erection of
replacement dwelling (siting and access).
Applicant: Mr S Livesey

RECOMMENDATION - Refusal with Reasons:

1. The land forms part of an Agriculture Priority Area. The area of land subject of the proposed change of use of agricultural land to domestic garden would far exceed in its scale the limited area of existing recognised curtilage which would be returned to agricultural use. Furthermore, the proposed curtilage would create a division between the larger agricultural area and three smaller parcels of agricultural land to the north of the proposed site, which although in separate ownerships fall within the APA and adjoin the Whincroft Vinery site.

No information has been submitted to demonstrate that the land could not be used for commercial agriculture. The land the subject of this application could be used for commercial agricultural use and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area.

The fact that the applicant has undertaken the substantial work required to clear the derelict vinery is commendable but does not of itself provide justification within the terms of the relevant IDP policies to support the change of use of the land. Similarly, although the relocation of the existing domestic curtilage to Madeira Cottage does provide some benefit in terms of consolidating the agricultural land, the scale of the proposed replacement curtilage clearly negates such benefits to the APA.

It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts and therefore the proposal is contrary to Policies GP15(c) and OC5(A).

OFFICER'S REPORT

Site Description:

Whincroft is a former vinery site that has been largely cleared by the present applicant, who also owns an adjoining property to the east. The site is situated to the south of Route De La Croix Au Bailiff. The site is accessed from between Homeleigh Cottage and La Renardiere.

A number of buildings remain on the site including a two-storey outbuilding, a former boiler house, with pitched and mono-pitched roof and a detached hipped roof bungalow. The bungalow, known as Madeira Cottage, formed horticultural staff accommodation and consent was granted in 2014 to convert it to a dwelling house. This permission has been implemented. The recognised domestic curtilage of Madeira Cottage is limited to land immediately surrounding the buildings. Permission to extend the domestic curtilage was refused in 2017.

The site is located within an Agriculture Priority Area, Outside of the Centres. Land formerly used for horticultural purposes is legally defined as agricultural land.

Relevant History:

Pre-application advice was provided in this case by letter dated 12 February 2020 and at a meeting held at the site on 3 March 2020.

Madeira Cottage, Whincroft Vinery

FULL/2013/2163 - 22/05/2014 – permission granted to Convert existing staff accommodation to a dwelling, demolish existing boiler house, remove oil tank and water tank, and form earth banks.

Condition 9 of planning permission FULL/2013/2163 states:

Notwithstanding the details on the submitted plans the water tank, boiler house and oil tank shall be removed from the site prior to any further works being commenced on site.

Whilst the water tank and oil tank have been removed the boiler house has not and currently remains.

FULL/2016/2497 - 10/01/2017 – permission refused to extend the domestic curtilage of Madeira Cottage.

Existing Use(s):

Agriculture use class 28 – field/land the subject of this application

Residential use class 1 – dwelling house, Madeira Cottage

Brief Description of Development:

Outline application to demolish existing dwelling and erection of replacement dwelling (siting and access).

The proposal is to demolish the existing dwelling (Madeira Cottage) and adjacent horticultural buildings and to construct a replacement dwelling on land to the north east, at the north-eastern corner of the parcel of land owned by the applicant.

Although the application is for outline permission and includes only the details of proposed siting and access for the replacement dwelling, the plans indicate a proposed bungalow of 250 sqm.

To assist assessment of the application, massing studies have been provided relating to single, one and a half and two storey forms of development on the proposed site, along with photographic montages to indicate the likely visual impact of each.

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

Island Development Plan Policies:

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

Two letters of representation have been received in respect of this application: -

La Societe Guernesiaise – highlight that the existing building could be used by roosting bats and recommend inspection by suitably qualified persons prior to demolition or building works, along with inclusion of suitable measures to support roosting bats and nesting bird within the development proposal. La Societe Guernesiaise also request that an ecological assessment be required by condition if the vinery and vegetation is cleared, or that a suitable informative note be included on any permission.

Letter of support from the Monnaie Fellowship Trust LBG which owns land to the south of the site and requests that the applicant be allowed to complete his plans for improvement of the area, including removal of the existing unsightly buildings.

Consultations:

None

Summary of Issues:

Visual impact of proposals

Loss of agricultural land within the APA

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).

This site is located within an Upland Plateau Landscape as set out in Annex V: Landscape Character of the IDP. The existing buildings which remain on the vinery site are visible and are relatively prominent in public views from the other side of the valley to the south. The removal of these existing buildings would have a positive effect on the overall visual amenity of the area in these wider public views.

Policy GP13 of the Island Development Plan relates to replacement of existing dwellings on a one for one basis. The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

In this case, the construction of a replacement dwelling on the proposed site would be acceptable in principle under Policy GP13, subject to a limitation on its height. In this respect, as indicated by the submitted massing studies, two storey development would in this instance be likely to result in a significant visual intrusion, given the rising land levels to the north, which would negate the positive effect of removing the existing buildings. However, single or one and a half storey development is likely to be seen against the backdrop of the existing residential development along Bailiff's Cross Road to the north and would not break the skyline to any significant degree.

Notwithstanding the potential acceptability in principle of a replacement dwelling under Policy GP13, the key issue in this case relates to the effect of the proposals on agricultural land within the APA.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the IDP.

Policy GP15 makes provision for the extension and creation of curtilages to serve both domestic and non-domestic buildings, subject to compliance with a number of criteria which are addressed in turn below:

- a. it would not have an unacceptable detrimental impact on the landscape character*

Given the location of the site and its topography, that public views of the land are obtained only at some distance across the valley from the south and that there is an (albeit smaller) area of recognised domestic curtilage already associated with the existing buildings within the vinery site which are to be demolished, it is concluded that the proposal would not have an unacceptable detrimental impact on landscape character.

With regard to the impact on the landscape character and openness of the area, Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area. Considering the above assessment, it is concluded that the proposal does not conflict with Policy GP1.

b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance;

The application site is not located within or adjacent to an Area of Biodiversity Importance, it is therefore concluded that part (b) of Policy GP15 is not relevant in this case.

c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,

The Island Development Plan recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas.

Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact.

The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan.

In order to protect Guernsey's best agricultural land, where appropriate, proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Areas will only be supported where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan.

The land forms part of an Agriculture Priority Area. The area of land subject of the proposed change of use of agricultural land to domestic garden would far exceed in its scale the limited area of existing recognised curtilage which would be returned to agricultural use. Furthermore, the proposed curtilage would create a division between the larger agricultural area and three smaller parcels of agricultural land to the north of the proposed site, which although in separate ownerships fall within the APA and adjoin the Whincroft Vinery site.

No information has been submitted to demonstrate that the land could not be used for commercial agriculture. The land the subject of this application could be used for commercial agricultural use and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area.

The fact that the applicant has undertaken the substantial work required to clear the derelict vinery is commendable but does not of itself provide justification within the terms of the relevant IDP policies to support the change of use of the land. Had permission been previously sought for creation or extension of curtilage under IDP Policy OC7 relating to redundant glasshouse sites, this could not have been supported due to the location of the site within the APA. Similarly, although the relocation of the existing domestic curtilage to Madeira Cottage does provide some benefit in terms of consolidating the agricultural land, the scale of the proposed replacement curtilage clearly negates such benefits to the APA.

It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts and therefore the proposal is contrary to Policies GP15(c) and OC5(A).

Pre-application advice suggested that a replacement dwelling might be provided at the western end of the site currently proposed, utilising a similar sized curtilage area to that presently recognised for the existing dwelling. This could overcome the issues identified above regarding disproportionate loss of agricultural land within the APA to curtilage and 'land locking' of the areas of adjoining agricultural land to the north, however this suggestion has not been pursued by the applicant.

d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or

replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,

No existing boundaries are proposed to be removed.

e. it would not adversely affect the reasonable amenities of neighbouring residents.

Given the location of the land in relation to neighbouring residential properties, the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

As set out above, the proposal does not accord with Policies OC5(A) and GP15 and it is recommended that the application is refused.

Date: 2 September 2021