

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

Site visit made on 7 March 2016

by N McGurk BSc (Hons) MCD MBA MRTPI

Reference: PP/2015/0827

Field 873, La Verte Rue, Trinity, JE3 5HD

- The appeal is made under Article 108 and 110 of Planning and Building (Jersey) Law 2002 against the refusal of permission to develop land.
 - The appeal is made by Nicholas John Fromage and Jackie Fromage against the decision of the States of Jersey.
 - The application Ref PP/2015/0827, dated 18 December 2014, was refused by notice dated 21 August 2015.
 - The application is for "Proposed construction of 2No three bedroom detached dwellings."
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Recommendation

1. I recommend that the appeal be dismissed.

Procedural Matters

2. The application the subject of this appeal was made in outline, with scale being a fixed matter. Matters of layout, means of access, landscaping and appearance are reserved.
 3. The appeal site forms part of what was a larger field. The appellants point out that some of this field was previously sold to the Parish of Trinity, in December 2007, to enable Phase II of the Parish housing development at Les Maison Cabots to take place; and that in September 2010, rights for drainage and other services to pass through "the remains of this field" were granted.
 4. The appellants state that the above was "on the understanding that the Parish of Trinity would support a request to construct two houses on the appeal site for occupation by members of the Appellants family..."
 5. The Parish of Trinity supported a request for the appeal site to be "put to the Minister to review its zoning" in October 2013 but the appellant states that "due to the withdrawal of all the potential sites put forward for rezoning in the then proposed Island Plan, this proposal was never actually considered by the States."
 6. With regards the application the subject of this appeal, the Parish of Trinity has stated that "it is generally accepted that the Parish will in principle support an application for development of first time buyer units on the site..." However, this does not, in itself, comprise a land use planning matter that necessarily means that an application for development will be acceptable or successful.
 7. The appellants, in their Statement of Case, refer to Policy H5 of the States of Jersey Island Plan 2011 (Revised 2014) (the Island Plan). This Policy relates specifically to affordable housing in rural centres.
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8. The application the subject of this appeal was originally supported by a Design Statement which referred to the proposed development as being for “category A affordable homes.” However, the application form simply refers to two detached dwellings and the reference to affordable housing was subsequently removed in a revised Design Statement.
9. Taking the above into account, I note that, in land use planning terms, the proposal the subject of this appeal is not for affordable housing and Policy H5 does not apply.
10. The Land Controls section of the Department of the Environment (LCADS), objects to the proposed development and has provided evidence to demonstrate that the appeal site is subject to a restriction limiting use to agricultural or horticultural purposes only.

Main Issues

11. The main issues in this case are the effect of the proposal on the character and appearance of the area; and its effect on the provision of agricultural land.

Reasons

Character and Appearance

12. The appeal site comprises a field located between the Parish housing development at Les Maisons Cabot and La Verte Rue/Les Maison des Osiers. It is located in the Green Zone, as defined by the Island Plan. The field is used for grazing and there are a number of storage buildings along the site’s eastern boundary with La Verte Rue.
13. The appeal site slopes slightly from north to south and is accessed from a wide gateway, providing easy access from Les Maisons Cabot.
14. Whilst the appeal site is adjacent to Les Maisons Cabot and Les Maison des Osiers, the surrounding area is distinctly rural in appearance. The appeal site adjoins agricultural land to the south and La Verte Rue, in this location, comprises an attractive tree-lined road.
15. The area appears especially green and open as one travels along La Verte Rue from Rue es Picots, whereby sweeping distant views are embellished by the presence of trees, hedgerows and the appeal site to one side of the road and a large open field to the other side.
16. In addition to making a positive contribution to the area’s bucolic qualities, the appeal site provides for a strong sense of separation between the relatively new development of Les Maisons Cabot and La Verte Rue. Consequently, there is a distinctively green and open character to the area as one enters Les Maison Cabot, with views into the appeal site and distant views across it, to countryside beyond.
17. During my site visit, I viewed the appeal site from La Rue de Travers, to the south. I noted that, due to the land rising to the north, the appeal site is elevated, affording it some prominence in the landscape.

18. The proposed development, were it to go ahead, would inevitably result in the urbanisation of the appeal site. The distinctive green, open and spacious qualities that contribute to the attractiveness of the area would be severely reduced and the appeal site's distinctive character would be transformed. I find that this would be to the severe detriment of the attributes identified above and there is no substantive evidence to the contrary.
19. Further, the harmful impact of the above would be exacerbated by the appeal site's prominence in the local landscape, whereby eyes would be drawn to the proposal as an incongruous form of development, out of keeping with the green, open and spacious qualities of the area.
20. Island Plan Policy SP1 only allows for the development of greenfield land in exceptional circumstances, where it justifiably supports parish communities or the rural economy, and meets an identified need. No substantive evidence has been presented to demonstrate that the proposal meets the requirements of Policy SP1.
21. Further, Island Plan Policy NE7 states that the Green Zone "will be given a high level of protection from development and there will be a general presumption against all forms of development." This presents an exceptionally high hurdle for development proposals to overcome. The Policy goes on to provide for exceptions, but only when there is no serious harm to landscape character. I have found, above, that the proposed development would result in severe harm to local character.
22. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to Island Plan Policies SP1, SP2, SP3 and NE7, which together, amongst other things, protect local character.

Agricultural Land

23. I note above that the use of the appeal site is limited to agricultural or horticultural purposes. Island Plan Policy ERE1 sets out a presumption against the permanent loss of good agricultural quality land, but does provide for exceptions relating to viability and visual impact, amongst other things. I have found above that the proposal would have a harmful visual impact and consequently, this does not comprise an exceptional reason for the loss of good agricultural land.
24. In support of their case, the appellants consider the appeal site to be so small that it no longer comprises a viable agricultural field. Whilst I acknowledge that the appeal site is relatively small, it is also an easily accessible, gently sloping agricultural field. Furthermore, there is no detailed evidence to support the appellants' contention that that access to the field is not suitable to be shared with farm machinery and implements. Rather, I observed during my site visit that there is easy access to the field.
25. I find that the appeal site could be used for a wide range of agricultural purposes and the Department of the Environment points out that it could be useful for various agricultural and countryside related activities. There is no substantive evidence to the contrary.

26. In the above regard, I am also especially mindful of paragraph 5.143 of the Island Plan, which states that “There are constant demands on agricultural land both from within and outside the industry, particularly as farmers look to diversify. However, it is wise to employ the ‘precautionary principle’ and continue to safeguard agricultural land.”

27. Taking all of the above into account, I find that the proposed development would result in the loss of good agricultural land, contrary to Island Plan Policy ERE1, which safeguards such land from permanent loss.

Conclusion

28. For the reasons given above, I recommend to the Minister that the appeal be dismissed.

N McGurk

INSPECTOR