

**PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)**

**Appeal under Article 108 against a decision made under Article 19 to  
refuse planning permission**

**REPORT TO THE MINISTER FOR THE ENVIRONMENT**

made under Article 115(5)  
by D A Hainsworth LL.B(Hons) FRSA Solicitor  
the inspector nominated under Article 113(2) from the list of persons appointed  
under Article 107

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**Appellant:**

Rose Dawson

**Application reference number and date:**

P/2016/1675 dated 24 November 2016

**Decision notice date:**

23 March 2017

**Site address:**

Field No. 585, L'Abri Farm, La Grande Route de Faldouet / La Rue de Guillaume et  
d'Anneville, St Martin

**Development proposed:**

The change of use of part of Field No. 585 to a boat storage yard, with access  
through L'Abri Farm from La Grande Route de Faldouet. Associated fencing,  
landscaping and works.

**Inspector's site visit dates:**

5 July 2017 and 7 July 2017

On 5 July 2017, the Inspector also visited harbours and existing and potential boat  
storage sites on the eastern side of Jersey and looked at road conditions on traffic  
routes between the site and these harbours.

**Hearing date:**

6 July 2017

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**Introduction**

1. This is an appeal by the applicant against the decision of the Planning Committee to refuse planning permission for the development described above. The Department of the Environment recommended refusal.

2. Only one reason was given for the decision. It consists of five paragraphs covering several matters and is as follows: -

"Field 585 is an undeveloped greenfield site situated within the Green Zone. Under the provisions of Policy NE 7 of the 2011 Island Plan, this zone enjoys a high level of protection and there is a general presumption against all forms of new development.

It is acknowledged that the policy does potentially allow for certain types of development as an exception to this general presumption, including the change of use of existing employment land to alternative employment use; however, development proposals of this nature will only be permitted where they do not cause serious harm to landscape character.

It is recognised that under the current proposal, the maintenance of boats would not be permitted, and also that the size of the boat park has been reduced compared to previously-refused applications; however, it is still considered that the proposed new use would intensify the use of the site to an unacceptable degree, and would also create undue noise, general disturbance, as well as a significant increase in travel and trip generation in a countryside location.

Whilst the applicant's case on need for additional boat parking facilities in the island is noted, this does not outweigh the significant intrinsic harm to landscape character which would be caused on this occasion.

Moreover, as a significant development proposal located on a site outside the Built-Up Area, the application also fails to comply with the over-arching Island Plan Spatial Strategy. Under the provisions of Policy SP 1, development proposals of greenfield land will only be permitted in exceptional circumstances where such proposals justifiably support parish communities or the rural economy, and where they meet an identified need, and where it is appropriate to do so. In the view of the Planning Committee, the proposed application fails to satisfy these requirements."

### **Description of the site and its surroundings**

3. The site is in a countryside location within the Green Zone. It has an area of about 2,835m<sup>2</sup> and is part of a field at the rear of a group of buildings and yards adjoining La Grande Route de Faldouet, to the south of its junction with La Rue de Guilleaume et d'Anneville. The site's historic use is for agricultural purposes, although it is not in any use at present and has not been in agricultural use in recent years. There is an overgrown fenced-off area on part of the site and a shed. There are also traces of hard surfacing and foundations on parts of the site, which are consistent with the previous existence here of structures housing chickens and turkeys.
4. The group of buildings and yards between the site and La Grande Route de Faldouet has not been used for agricultural purposes for many years, but remains in the appellant's family's ownership. It includes the following: L'Abri farmhouse and its domestic outbuildings; two flats formerly occupied by agricultural workers; three substantial barns now used for commercial storage; a tool shed; an area between two of the barns that is used for the storage of motorhomes; and land near the road junction that is used for the storage of boats. Nearby fields that used to be part of the farming business

carried on from here are now let to a tenant farmer. All the present uses are understood to be authorised for planning purposes.

### **Details of the proposed development**

5. It is proposed to use the site for the storage of 80 boats in separate bays. These would be small boats no higher than 3.5m, including the trailers they stand on, but excluding their aerals. No maintenance or repair work would be allowed.
6. The associated operational works include the following: security fencing around the site and security gates at the entrance to the site; improvements to the standard of visibility at the access on La Grande Route de Faldouet; new planting; the conversion of the tool shed into a site office; and a drainage connection to the existing mains drainage system.
7. The main users of the boat storage yard are expected to be residents who have small boats which they moor in the eastern harbours from spring to autumn, but who have to store their boats on land during the winter months as a condition of the boats' insurance cover.

### **The case for the appellant**

8. The appellant's case is accompanied by a suite of documents written by consultants, some of which were prepared in connection with previous proposals to use a different part of Field 585 as a boat storage yard – proposals that would have positioned the boat storage yard closer to the houses on the opposite side of La Rue de Guillaume et d'Anneville and that did not exclude the carrying out of maintenance and repair work to boats.
9. These documents include: -
  - an Assessment of Boat Storage to serve eastern harbours, which shows that the site scores better as a boat storage yard than other possible locations for boat storage when assessed in relation to a range of key factors;
  - an Initial Ecological Assessment, which concludes that the overall ecological impacts are low and puts forward a method statement to mitigate possible short-term disturbance;
  - an Initial Noise Action Plan, which explains in detail how the site would be managed to avoid or minimise the potential for nuisance or disturbance;
  - a Noise Impact Assessment, which indicates that if mitigation measures are taken it should be practicable to avoid causing significant disturbance to nearby residents and lists the measures required;
  - a Landscape and Visual Impact Appraisal, which concludes that the boat storage yard would not cause serious harm to the landscape character of the area;
  - a Transport Appraisal, which concludes that the site is well placed in relation to the harbours it would serve. It indicates that trip generation would be about 10 deliveries/collections during the busy periods of April/May and August/September and that these trips would not add traffic to the road

network since the boats would have to be moved away from the harbours in any event; and

- a Business Plan, described as robust and achievable by Jersey Business.
10. The appellant states that many Islanders have traditionally kept a small boat in one of the harbours in order to fish, socialise and in some cases earn a living. She indicates that there are six harbours on the east coast of Jersey, which apart from Gorey and Rozel, are seasonal with small boats being brought out of the water during the winter months when there is no insurance cover for small boats left on moorings.
  11. The appellant states that there is very little dedicated boat storage space provided at these harbours. Her comparison between the number of moorings and the number of boat storage spaces available demonstrates the extent of the shortage. The outcome, she maintains, is that owners of small boats have to find storage sites away from the harbours, many of which have been lost to other uses in recent years. As a result, she states, boats are being stored in unauthorised locations on agricultural land and in residential areas.
  12. The appellant maintains that the site is conveniently located to serve the eastern harbours, being accessible by the Primary Route Network and in a location where there is natural surveillance and where a high level of security can be provided. She refers to the documents summarised in paragraph 9 above in support of her opinion that the views expressed in the reason for refusing planning permission are unjustified and that the boat storage yard would not be in conflict with Island Plan policies.

### **The case for the Department of the Environment**

13. The Department stand by the assertions made in the reason for refusing planning permission, which was as recommended by the Department. They maintain that the boat storage yard will occupy a large area of currently undeveloped greenfield land and that it will inevitably have a seriously harmful impact on the landscape. They draw attention to the traffic routes serving the site and raise concerns about the highway network, trip generation and the standard of visibility that could be achieved at the access to the site.
14. The Department do not accept that there is a compelling argument for the use of this site for boat storage, having regard to other possibilities. They maintain that the scheme is not in accordance with Policies NE 7 and SP 1 and that no departure from these policies is appropriate in this case.

### **Representations made by others**

15. The application and the appeal have generated widespread attention and a large number of representations have been received. The planning register records 88 public comments at the application stage and 40 appeal documents. The representations fall into three main categories – those from organisations, those from nearby residents and those from boat owners. In paragraphs 16 to 23 below, I have summarised the significant points made in these representations.
16. The Ports of Jersey have submitted representations as the public provider of boat maintenance and boat storage facilities on the Island. They state: "There

is a severe lack of boat storage availability on the Island as a whole, and especially on the north & east coasts with only 32 over-wintering spaces available for 465 moorings/vessels". They confirm that insurance companies no longer provide insurance cover for vessels left on moorings over the winter period. They state that in winter, "vessels start to appear in public car parks and fields all over the Island". They therefore fully support the application and are willing to work closely with the appellant to ensure that cleaning and maintenance work is carried out at a facility operated by the Ports of Jersey.

17. Representations in support of the proposal have also been received from boat owners' associations and from marine businesses. The St Helier Boat Owners' Association confirm that there is a shortage of boat storage facilities. They state that the site is ideal for a boat storage yard and state that it is "fully justified in the Green Zone for the benefit of Islanders pursuing marine activities, to support the marine traders' industry and to reduce unsightly random trailer boat storage elsewhere". The St. Helier Yacht Club confirm that there is a lack of boat storage space and state that the site is the only suitable one that has been identified. Gorey Boat Owners Association state that they have been looking for more storage facilities for a number of years and that the site fits their requirements for easy access and security. Rozel Boat Owners Association state that the boat storage yard would "increase the options for boat owners in this part of the Island and reduce the possibility of conflict developing at Rozel between boat owners and residents". Bouley Bay Boat Owners Association state that there is a real need for secure managed boat storage, which the site would resolve. South Pier Marina strongly support the application, which they state would boost the economy. G T Marine Ltd state that a facility such as this is "crucial to the boating community and subsequently many businesses in the marine trade, and is well over due".
18. The Department's Land Controls and Agricultural Development Section do not object. The Section comments that due to the previous use of the land as an area for chicken huts the land in question has limited agricultural use with some hard standing and foundations remaining throughout. They add that they would not support any permanent structures.
19. The Department for Infrastructure have no objections, subject to access improvements being carried out. The Environmental Health Officer has no objections. The Natural Environmental team is satisfied that no further surveys are required at this stage. The Environmental Protection team has previously indicated that they have no objections, provided a condition is imposed precluding the repair and maintenance of boats and an informative is attached in relation to spillage and waste disposal.
20. The St Martin Parish Roads Committee requests that consideration is given to surface water run-off on to La Rue de Guillaume et d'Anneville. [This would not occur now that the siting of the boat storage yard has been moved to the southern part of the field.]
21. The St Martin's Conservation Trust recognise that there is a significant demand for a boat park but note that plans to build on agricultural land are contrary to planning policy. They wish to see steps to be taken to ensure that environmental controls are in place to prevent pollution from the boat storage yard and that appropriate levels of greening and screening are implemented. The National Trust also raises concerns about contamination and asks why boat storage cannot be put in the Built-up Area.

22. Several letters of objection have been received from nearby residents. Their concerns match those referred to in the reason for refusal and in the Department's case. They emphasise adherence to planning policies and express concerns about noise, disruption, light pollution, visual intrusion, highway congestion and road safety.
23. By far the largest number of individual representations is from owners of small boats who strongly support the proposal. They confirm that there is a pressing need for more secure boat storage facilities in the east of the Island and that spaces that used to be available have been lost in recent years. They indicate a preference for a single dedicated location for boat storage rather than multiple small sites and confirm that the site has good access from the main road for drivers towing boats on trailers.

### **Island Plan Policies SP 1 and N 7**

24. Policy SP 1, Spatial strategy, is part of the Island Plan's Strategic Policy Framework. It states:

"Development will be concentrated within the Island's Built-up Area, as defined on the Proposals Map, and, in particular, within the Town of St Helier. Outside the Built-up Area, planning permission will only be given for development:

1. appropriate to the coast or countryside;
2. of brownfield land, which meets an identified need, and where it is appropriate to do so;
3. of greenfield land, in exceptional circumstances, where it justifiably supports parish communities or the rural economy and which meets an identified need and where it is appropriate to do so."

25. Policy NE 7 is applicable because the site is in the Green Zone. The policy 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, with certain exceptions that may be permissible where they do not cause serious harm to landscape character.

26. One of the exceptions is "Employment". This has seven categories, but only those numbered 5 and 8 could be of relevance to the appeal. These are: -

"5. the extension and/or intensification of use of existing employment buildings and land, but only where, having regard to the planning history of the site;

a. the requirement for a coastal or countryside location can be adequately justified;

b. an extension, well related to the existing building in design and scale;

c. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and

d. it does not cause serious harm to landscape character.”

“8. the change of use of employment land and buildings (involving conversion of a building), to other employment uses, but only where:

a. it would accord with Policy E1: Protection of employment land;

b. the requirement for a coastal or countryside location can be adequately justified;

c. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and

d. it does not cause serious harm to landscape character.”

27. The supporting text to Policy NE 7 contains several paragraphs indicating how the provisions of the policy should be applied in this appeal, as follows: -

2.118 There will be “a general presumption against any development in the Green Zone in order to retain the quality and distinctiveness of the Island’s countryside here and to ensure that the distinct character of the zone remains intact. The quality and distinctiveness of the landscape character areas of the Green Zone still makes them sensitive to the effects of intrusive development whilst having a greater capacity to accept some change”.

“2.120 There is also a need to provide for the reasonable expectation of ... businesses to undertake economic activity and provide employment, having regard to the capacity of the landscape to accommodate development without serious harm.”

“2.121 Accordingly, Policy NE7 sets a presumption but not an absolute moratorium against development within the Green Zone: the key test is the capacity of the site and its context to accommodate development without serious harm to landscape character. This is the starting point for the consideration of development proposals.”

“2.136 The sensitivity of landscape character will be the primary consideration in the assessment of development proposals to extend or intensify existing employment land uses ... in the Green Zone .... A case will need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.”

“2.138 Each case will be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area to accept change.”

2.139 & 2.146 Any proposal that would intensify an existing employment use will need to be assessed having regard to additional travel and traffic, at a strategic level, and noise and disturbance locally.

“2.145 The change of use of employment land and buildings (involving conversion of a building), to other employment uses, will need to satisfy the

requirements of Policy E1: Protection of employment land in the first instance. A case will also need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.”

## **Inspector's assessments**

### *Introduction*

28. Policy SP 1 includes the phrase “where it is appropriate to do so” in clauses 2 and 3 of the policy. My attention has not been drawn to any information that would clarify the meaning or intent of this phrase. The use of such phrases in development plans is usually avoided since they are imprecise and do not provide predictability for applicants for planning permission or promote consistency and soundness in planning decisions. I have assumed that in the context of this appeal the phrase means ‘if it is appropriate to do so in accordance with Policy N 7’.
29. In the application of Policy SP 1 the site should be treated as being partly greenfield land and partly brownfield land. (See the description of the site in paragraph 3 above and refer to Appendix C Glossary in the Island Plan, which defines a greenfield site as “An area of land that has never been built upon” and a brownfield site as “Land which is, or has previously been, developed”.)
30. The authorised use of the site is agriculture, which is an employment use. The proposed use as a boat storage yard is also an employment use, since it will generate economic activity and provide work. (Agriculture and storage are both defined as employment uses in paragraph 4.1 of the Supplementary Planning Guidance: advice note “Protection of Employment Land” published in June 2012.)
31. The boat storage yard can be treated either as a proposal to extend on to adjoining land the storage uses already authorised here (see paragraph 4 above), which include boat storage, or as a change of use of existing employment land to another employment use. The former should be assessed under the provisions of Policy NE 7 Employment exception number 5 as “the extension and/or intensification of use of existing employment ... land”. The latter should be assessed under the provisions of Policy NE 7 Employment exception number 8 which relate to “the change of use of employment land ... to other employment uses”.

### *Policy analysis*

32. My analysis of Policies SP 1 and NE 7 and the supporting text indicates that, to demonstrate compliance with these policies in this appeal, there should be satisfactory responses to the following main issues: -
  - (1) Would the boat storage yard meet an identified need? (Policy SP 1, clauses 2 & 3)
  - (2) Would the boat storage yard be an appropriate use in the countryside; has the requirement for a countryside location been adequately justified; what alternative locations have been considered? (Policy SP 1, clause 1; Policy NE 7 Employment categories 5.a. & 8.b.; paragraphs 2.136 & 2.145)



- (3) Would the boat storage yard cause serious harm to landscape character? (Policy NE 7 exceptions generally; Policy NE 7 Employment categories 5.d. & 8.d.; paragraphs 2.118, 2.120, 2.121, 2.136 & 2.138)
- (4) Would the boat storage yard create undue noise or disturbance? (Policy NE 7 Employment categories 5.c. & 8.c.; paragraphs 2.139 & 2.146)
- (5) Would the boat storage yard generate a significant increase in travel and trip generation? (Policy NE 7 Employment categories 5.c. & 8.c.; paragraphs 2.139 & 2.146)
- (6) Would the boat storage yard justifiably support parish communities or the rural economy? (Policy SP 1, clause 3)
- (7) Would the boat storage yard accord with Policy E 1 Protection of employment land? (Policy NE 7 Employment category 8.a.)
- (8) What regard should be had to the planning history of the site? (Policy NE 7 Employment category 5.)
- (9) Are there exceptional circumstances for the use of the greenfield land within the site? (Policy SP 1, clause 3)

33. In the following paragraphs, I have assessed these main issues in turn.

*Issue (1)*

34. The Department acknowledged “the apparent need for a facility such as this” at the pre-application stage. The Planning Committee “noted” the appellant’s case on need in the reason for refusal, but did not call it into question.
35. The representations received show incontrovertibly that there is an identified unmet need for additional boat storage facilities on the eastern side of the Island.

*Issue (2)*

36. The most suitable locations to meet this need are arguably sites as close as possible to the harbours in question, but development land in these locations is a scarce resource and there are competing demands from other uses. The Assessment of Boat Storage to serve eastern harbours identified three such possibilities, but each of them has significant limitations. Moreover, they are all in the Coastal National Park, to which Policy NE 6 gives the highest level of protection from development, over all other planning considerations.
37. The Department have suggested that the need might be met from a site or a series of sites in Built-up Areas. No such sites have been identified. Land in Built-up Areas is almost certain to be required for uses that have a far-higher priority in meeting planning objectives than boat storage use, and land values in these Areas are likely to make boat storage use an unviable proposition because of the costs that would have to be passed on to boat owners.
38. If the need for additional boat storage facilities on the eastern side of the Island is to be met, it seems to me that it can only be done in the countryside, since virtually all land on the eastern side of the Island that is not in the

Coastal National Park or in Built-up Areas is in the countryside. In the circumstances, I consider that it should be recognised that the boat storage yard would be an appropriate use in the countryside.

*Issue (3)*

39. Paragraph 2.121 identifies "serious harm to landscape character" as the key test and the starting point for the consideration of development proposals.

40. The Department's assessment of the impact of the boat storage yard on landscape character is set out in their report to the Planning Committee, as follows:

"It is clear from the submitted site plan, that the proposed new use would occupy a large area of currently undeveloped greenfield land; this would inevitably have a seriously harmful landscape impact, notwithstanding the applicants' comments that the site is screened from wider public views by virtue of the boundary planting."

"It is agreed that the public views into the site are restricted, but some views are still possible and where these exist the scheme is still considered to be seriously harmful to its locality – undeveloped sites have an intrinsic value, and they needn't be especially prominent in order for the issue of 'landscape harm' to be a valid concern."

"In the department's view, the views into the site within the wider vicinity would be limited, especially if additional planting along the site boundaries were to be established as shown in the plans. However, when seen, the impact of several dozen boats in the countryside would have a serious harmful effect on landscape character."

41. The Countryside Character Appraisal (1999) identifies the site as Interior Agricultural Land on the Eastern Plateau, where there is "some capacity to accept new development". It notes: "Any development can have a very high impact in the long views that can be obtained within this area".

42. The site is as previously described in this report. It is screened from view by trees and hedges on three sides and by buildings on the fourth. As a result, little of it can be seen from adjoining roads and properties. Public views from further away are limited to a long-range view from a roadside location to the north-west, from where the upper part of the site and the shed can be caught sight of.

43. The planning application for the boat storage yard includes proposals to reinforce the screening and the consultant's Landscape and Visual Impact Appraisal concludes that the boat storage yard would not cause serious harm to the landscape character of the area. Planning conditions could be imposed that would require a planting scheme to be approved and implemented and also control aspects of the boat storage yard that could affect landscape quality, such as boundary fencing, the height of stored boats and lighting.

44. The Department's assessment is ambivalent and does not bear out the assertion that serious harm to landscape character would be inevitable. I agree that sites can have intrinsic value and need not be prominent for harm to occur, but this site is not 'sensitive' and the boat storage yard would not be

intrusive when implemented in accordance with planning conditions. Its impact would be limited to the site itself and its close surroundings, where it would not look out of keeping, and the quality and distinctiveness of the wider landscape would be unaffected.

45. In the circumstances I have described, I do not consider that the boat storage yard will cause serious harm to landscape character if appropriate planning conditions are imposed. (I deal with these conditions in paragraphs 64 to 66 below.)

*Issue (4)*

46. Stored boats, obviously, will not in themselves result in noise or disturbance. The activities that might do include vehicular movements in and out of the yard and around it, on-site repairs and maintenance operations to boats if they took place, the sounds made by people on the site and lighting at night.
47. The nearest dwellings that do not form part of L'Abri Farm are on the opposite side of La Rue de Guillaume et d'Anneville and opposite the junction between La Grande Route de Faldouet and La Rue de Guillaume et d'Anneville. The nearest boundaries of these dwellings are about 50m from the nearest boundary of the site, and the dwellings themselves are all over 80m away. There is some existing noise from activities at the group of buildings and yards adjoining the site and from passing traffic.
48. The Department's assessment is that "it is very difficult ... to believe that such a use [the boat storage yard] could operate undiscernibly from the perspective of those living nearby". The test, however, is whether it would create undue noise or disturbance. The Initial Noise Action Plan and the Noise Impact Assessment demonstrate that this test can be satisfied and I consider that it will be if appropriate planning conditions are imposed. (I deal with these conditions in paragraphs 64 to 66 below.)

*Issue (5)*

49. The site is conveniently located as far as its distance from the eastern harbours in general is concerned and it is on the Primary Route Network. There are obviously some challenging road conditions in the immediate vicinity of some of the harbours for drivers towing boats on trailers - which they would have to negotiate whether or not the site was approved for boat storage - but my inspection of road conditions on traffic routes between the site and the harbours indicated that the boat storage yard would in other respects be readily accessible by drivers towing small boats on trailers.
50. I therefore agree with the Transport Appraisal, which concluded that the site is well placed in relation to the harbours it would serve. My inspection of the access to the site from La Grande Route de Faldouet confirmed that the standard of visibility would be acceptable if the improvements proposed by the appellant were carried out. I do not consider that these improvements would harm the streetscape. The improvements can be required by a planning condition.
51. The Transport Appraisal indicates that trip generation would be about 10 deliveries/collections per day during the busy periods of April/May and August/September. This is very low and is well within the capacity of the road

network to absorb without difficulties. As the Transport Appraisal indicates, these trips would not add traffic to the road network in general, since the boats would have to be moved away from the harbours in any event. I have concluded therefore that the boat storage yard would not generate a significant increase in travel and trip generation.

*Issue (6)*

52. The issue is whether the boat storage yard would “justifiably support parish communities or the rural economy”. In this context, in my opinion “justifiably” means that there should be a reasoned argument in favour.
53. I do not consider that the policy requires a restricted meaning to be given to the term “parish communities”. The main users of the boat storage yard will be residents with small boats who engage in marine leisure and fishing activities and who have an unmet need to store their boats in suitable and secure locations during the winter months. Many of them will be members of parish communities.
54. I have already stated at paragraph 30 that the use of the site as a boat storage yard is an employment use, since it will generate economic activity and provide work. It will therefore support the rural economy.

*Issue (7)*

55. Policy E 1 deals with the protection of employment land and states: “There will be a presumption against development which results in the loss of land for employment use as supported by the Strategic Policy SP 5 'Economic growth and diversification' ”. Policy SP 5 states: “A high priority will be given to the maintenance and diversification of the economy and support for new and existing businesses”.
56. These policies would be complied with because the boat storage yard will not result in the loss of employment land and it will support the existing storage business being carried on here.

*Issue (8)*

57. The site and the adjoining land and buildings have an extensive planning history, which includes previous boat storage yard applications and past enforcement action. None of this is relevant to the planning merits of the current application and appeal, apart from the approvals that have been granted for the storage uses that already exist here.

*Issue (9)*

58. The Island Plan does not define the term ‘exceptional circumstances’. It would usually be taken to mean circumstances that were unusual or not typical. Proposals should be assessed on their merits on a case-by-case basis. The Spatial Strategy on page 17 of the Island Plan indicates that meeting “an identified need” can be a factor; in my view the need should clearly outweigh the greenfield value of the site.
59. The circumstances in this appeal are unusual because of the extent of the unmet need for boat storage space, the absence of identified and suitable

sites to meet that need, and the public interest in meeting the need and reducing the number of boats being stored in unsuitable locations.

60. I have already explained that the site is partly greenfield land and partly brownfield land for planning purposes. This reduces its greenfield value, which is already limited because of its close association with storage buildings and yards.
61. In my view, the need for the boat storage yard clearly outweighs the greenfield value of the site in the circumstances I have described.

#### *L'Abri Farmhouse and its outbuildings*

62. The farmhouse and its outbuildings are included in the list of buildings of special interest because of their architectural and historical interest and their contribution to streetscape character. They have been allocated Grade 4.
63. The setting of the farmhouse and its outbuildings is therefore of particular importance. I have considered whether it would be harmed by the boat storage yard, but in my opinion the features that have resulted in the farmhouse and its outbuilding being listed would be unaffected.

#### *Planning conditions*

64. Potential conditions have been referred to previously in this report – see paragraphs 44, 45, 48 and 50. There was also a 'without prejudice' discussion at the hearing, during which a full range of suggested conditions was identified. I have taken account of all the potential and suggested conditions in my recommendations and given the reasons why the recommended conditions should be imposed.

#### **Inspector's overall conclusion**

65. For the above reasons, and having assessed this proposal in detail on its planning merits, I have concluded that if planning permission is granted subject to the conditions I have recommended, the boat storage yard will comply with the Island Plan.

#### **Inspector's recommendations**

66. I recommend that in exercise of the powers contained in Article 116 of the Planning and Building (Jersey) Law 2002 (as amended): -
- (i) the appeal be allowed in full;
  - (ii) planning permission be granted for development at L'Abri Farm, La Grande Route de Faldouet / La Rue de Guillaume et d'Anneville, St Martin consisting of the change of use of part of Field No. 585 to a boat storage yard, with access through L'Abri Farm from La Grande Route de Faldouet, together with associated fencing, landscaping and works, in accordance with the application reference P/2016/1675 dated 24 November 2016 and the plans submitted therewith, subject to the following conditions: -
    - 1. The development shall commence within 5 years of the decision date.

Reason: Standard time limit to facilitate reconsideration of the development in the light of any material change in circumstances.

2. Except as otherwise required in accordance with these conditions, the development shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.

Reason: To ensure that the development is carried out and completed in accordance with the details approved.

3. Notwithstanding the details shown on Drawing Number 587/10/SK26 Revision C Outline Site Plan, prior to the commencement of the development, a scheme of landscaping shall be submitted to and approved in writing by the Department of the Environment. The scheme of landscaping shall provide details of the following: a) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain; b) the position of all new trees and/or shrubs (this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them); c) other landscape treatments to be carried out, including any excavation works, surfacing treatments and the means of enclosure; d) the measures to be taken to protect existing trees and shrubs; and e) a landscape management plan for the maintenance of the landscaped areas. Once agreed in writing, the approved scheme shall be implemented in full and shall thereafter be retained and maintained as such.

Reason: To safeguard the character and appearance of the area.

4. No works of repair or maintenance (including washing and cleaning) shall be carried out within the boat storage yard to boats (including engines and motors) or to trailers.

Reason: To protect residential amenities.

5. Boats or trailers shall not be moved in to or out of or within the boat storage yard except between the hours of 0800 and 1800 on any day.

Reason: To protect residential amenities.

6. No sound-amplifying equipment shall be operated in the boat storage yard so as to be audible beyond the boundaries of the boat storage yard.

Reason: To protect residential amenities.

7. No security apparatus involving the use of audible alarms shall be installed to serve the boat storage yard.

Reason: To protect residential amenities.

8. No external lighting shall be installed to serve the boat storage yard except in accordance with details (including the hours of operation of the lighting) that have been submitted to and approved in writing by

the Department of the Environment. The lighting shall thereafter be operated as approved.

Reason: To protect residential amenities.

9. Nothing shall be parked or stored in the boat storage yard at any time that exceeds 3.5m in height (excluding any aerials) measured from the ground levels existing at the date of this permission.

Reason: In the interest of visual amenity.

10. The number of boats stored in the boat storage yard shall not exceed 80 at any time.

Reason: To protect the amenity of the area and to limit traffic movements.

11. Prior to the commencement of the development, a plan showing an area between the boat storage yard and La Grande Route de Faldouet to be used as a holding area for trailers waiting to enter the boat storage yard or to move on to the highway shall be submitted to and approved in writing by the Department of the Environment. The holding area shall be provided in accordance with the approved details before the boat storage yard is first used and shall thereafter be permanently retained as such in accordance with the approved details.

Reason: In the interest of road safety.

12. No trailer exceeding 10m in length shall be allowed in to the boat storage yard at any time.

Reason: In the interest of road safety.

13. The means of vehicular access to the boat storage yard shall be from La Grande Route de Faldouet only and shall be in the position shown on Drawing Number 587/10/SK27 Revision A.

Reason: In the interest of road safety.

14. No development shall take place until details of the hard surfacing of the means of vehicular access for the first 5m back from its junction with La Grande Route de Faldouet have been submitted to and approved in writing by the Department of the Environment. The surfacing works shall be completed in accordance with the approved details before the boat storage yard is first used and shall be retained as approved thereafter.

Reason: In the interest of road safety.

15. The improvement works shown on the approved plan Drawing Number 587/10/SK27 Revision A Part Site Plan – Entrance shall be carried out before the boat storage yard is first used and shall be retained as approved thereafter.

Reason: In the interest of road safety.

16. Nothing that may cause an obstruction to visibility shall be placed or permitted to grow within the visibility splays shown on Drawing Number 587/10/SK27 Revision A Part Site Plan – Entrance.

Reason: In the interest of road safety.

17. No development shall take place until details of the foul and surface water drainage works to serve the boat storage yard have been submitted to and approved in writing by the Department of the Environment. The works shall be completed in accordance with the approved details before the boat storage yard is first used and shall be retained as approved thereafter.

Reason: To protect the environment.

18. No later than 6 months after the date when the boat storage yard ceases to be used as such, all materials and equipment brought on to the land in connection with its use as a boat storage yard (excluding drainage facilities) shall be removed from the land and the land shall be restored to a condition capable of agricultural use (but no more so than its condition at the date of this permission), or to some other condition agreed with the Department of the Environment, in accordance with details that have been submitted to and approved in writing by the Department of the Environment.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial use.

and

(iii) an informative be attached in relation to spillage and waste disposal.

Dated 17 August 2017

*D.A.Hainsworth*

Inspector