

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

Site visit made on 1 October 2018

by N McGurk BSc (Hons) MCD MBA MRTPI

Reference: P/2018/0521

Seacliff House (Seacliff South), La Grand Route de Rozel, St Martin, JE3 6AY

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
 - The appeal is made by Mr Robert Killen against the decision of the States of Jersey.
 - The application Ref P/2018/0521 by Mr Robert Killen, dated 27 March 2018, was refused by notice dated 21 July 2018.
 - The proposed development is "Existing buildings demolished. Construct 1 No 3-bed replacement dwelling."
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Recommendation

1. I recommend that the appeal be dismissed.

Procedural Matters

2. I have taken the description of the development proposed from the application form. I note that the decision notice provides more detail "Construct 1 No. three bed dwelling with associated parking and landscaping. Fixed matters: Scale and mass, siting and means of access. Reserved matters: External appearance and materials and landscaping."
3. There is a significant planning history associated with the appeal site. In 2009, a planning application¹ to "Demolish existing residential accommodation and ancillary outbuildings. Construct replacement dwelling and garage" was granted permission following a Planning and Environmental Ministerial Hearing. This permission related to a wider site, which included the site the subject of this appeal.
4. The supporting statement associated with this 2009 permission referred to a range of buildings across the wider site, including two dwellings and outbuildings, with a "total floor area" of 322.5 square metres. The two dwellings comprised a two bedroom dwelling and a one bedroom dwelling. The replacement dwelling, since constructed, has four bedrooms. The two dwellings with two and one bedrooms respectively, were located on the site the subject of this appeal but have been demolished and only hardstanding remains.
5. The supporting statement relating to this 2009 permission also referred to the demolition of "all the existing buildings that are presently scattered around Seacliff kennels."

¹ Ref: P/2008/1922.

6. In addition to the above, the Ministerial Hearing report states “The Minister noted that it was proposed to clear the site of all existing structures...there would be no increase in footprint over the existing structures.” The floorspace of the new dwelling permitted was 317 square metres.
7. Two minor amendment applications followed this 2009 permission. In 2010, a minor amendment consent was granted for the repositioning of the proposed dwelling and garage; and in 2012, a minor amendment was granted for an alteration to the form of the dwelling to provide a gym/pool room and increase the width of the terrace. This latter amendment increased the floor area of the dwelling from 317 square metres, as per the 2009 permission, to 424 square meters, representing a substantial increase over the “total floor area” of the buildings on the site prior to the 2009 permission.

Main Issue

8. The main issue in this case is whether the proposal would comprise a form of sustainable development, having regard to the provisions of the Island Plan, including those set out in Policy NE7 (Green Zone).

Reasons

9. The appeal site comprises an open area of land directly across a narrow access road from the large new dwelling constructed further to the planning permissions referred to above.
10. The site has some areas of hardstanding on it, denoting where previous buildings once stood. Part of the site appears as scrubland and much of it is overgrown. It also has a small shed on part of it. There is a small dwelling to the north of the site and woodland to the west. Beyond the site to the south is open countryside.
11. The surrounding area is distinctly rural in character, comprising undulating farmland and woodland. The green and spacious environment allows for intimate views, framed by trees, topography and hedgerows, as well as for glimpses of, and expansive and broad views to, the coast and countryside.
12. The whole of the site is located in the Green Zone.
13. Island Plan Policy NE7 (Green Zone) establishes a presumption against all forms of development in the Green Zone. Whilst Island Plan Policy NE7 sets out a small number of exceptions, it does so on the basis that such exceptions “*may be permissible*” – thus denoting that even exceptional development in the Green Zone may – or, conversely, may not – be permissible.
14. Further to the above, Island Plan Policy NE7 goes on to state that, even where an exceptional development may be permissible, this would be on the basis that it does not cause serious harm to landscape character.
15. Taking all of this into account, planning policy establishes the Green Zone’s significant and high level of protection from development.
16. Island Plan Policy NE7 specifically precludes the development of a new dwelling in the Green Zone, with just three exceptions. One of these exceptions relates to “staff and key agricultural worker accommodation.” The proposal would not

comprise such development. Another exception relates to the conversion of employment land and buildings and again, the proposal would not comprise such development.

17. The other exception relates to the redevelopment of an existing dwelling, involving demolition and replacement, where the proposal would not facilitate a significant increase in occupancy and where the proposal would give rise to considerable environmental gains, contributing to the repair and restoration of landscape character.
18. However, in simple terms, the proposal would not replace an existing dwelling because there is no existing dwelling.
19. As noted above, the plans relating to the large new house opposite the appeal site showed the demolition of the two dwellings that were previously on the appeal site. The large new house has been built. The two dwellings previously on the appeal site have been demolished.
20. Consequently, none of the exceptions set out in Policy NE7 apply and the proposal is therefore in direct conflict with the Island Plan.
21. Notwithstanding this direct conflict, even if the proposal were to replace an existing dwelling – and I am not suggesting that it would – then it would still need to “give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.”
22. The dwelling that replaced the previous buildings on the wider site, including the appeal site, covers a very large floor area and appears as a substantial development. Together with a parking area and the dwelling to the north of the appeal site, it makes a major contribution to a substantial area of development within an area otherwise notable for its green, open and spacious attributes.
23. The proposed development would add significantly to the overall extent of development in this area. By adding a large new building where none currently exists, it would, to some considerable degree, reduce the area’s open and spacious attributes. I find that this would severely reduce the space around existing buildings within a green and open rural area and this would be to the harm of local character.
24. Rather than repair and restore landscape character, the proposal would, I find, combine with the existing volume of built development nearby to create an overall scale of development that would appear detrimental to the character of the Green Zone.
25. I also note that, in relation to Island Plan Policy NE7’s requirement that a new dwelling should not facilitate a significant increase in occupancy, the appellant considers that there were five bedrooms on the wider appeal site prior to 2009. Such a calculation takes into account bedrooms in ancillary buildings, rather than just dwellings. However, even taking such bedrooms into account, the proposal would effectively facilitate a 40% increase in occupancy across the wider site and in this case, in the context of the special protection afforded to the Green Zone, such an increase would be significant.

26. Taking all of the above into account, I find that the proposed development would harm the Green Zone. It would be in direct conflict with Island Plan Policy NE7 which, amongst other things, seeks to protect the Island's special qualities.

Other Matters

27. In support of his case, the appellant considers that the development is justified because the 2009 permission for the large house, as referred to above, did not make the demolition of the two dwellings that were previously located on the appeal site the subject of a condition. However, in this regard I note that the permitted plans associated with the previous permission clearly show that these previous dwellings would be demolished. Development should be carried out in accordance with permitted plans.

28. In addition to the above, taking into account the information associated with the relevant history of the site referred to above, it appears to me that the clearance of the various structures on the site, including the former dwellings on the appeal site, was fundamental to the 2009 permission as that permission was based on the replacement of existing built volume with new built volume. Notwithstanding this however, Island Plan Policy NE7 only provides for the possible replacement of an "existing dwelling" and there are no existing dwellings on the appeal site.

Conclusion

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

N McGurk

INSPECTOR