

## **REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT**

by **N McGurk** BSc (Hons) MCD MBA MRTPI  
an Inspector appointed by the Judicial Greffe

Site visit made on 28 August 2024.

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### **Reference: P/2023/1164**

#### **Rosedale Farm, Le Mont Cochon, St Helier, JE2 3JB**

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
  - The appeal is made by Ross Walker against the decision of the States of Jersey.
  - The application Ref P/2023/1164 by Ross Walker was refused by notice dated 25 April 2024.
  - The proposed development is a property maintenance store.
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### **Recommendation**

1. I recommend that the appeal be upheld and that planning permission be granted, subject to conditions.

### **Introduction and Procedural Matters**

2. The appellant appealed the refusal of a different application<sup>1</sup> relating to the same site at the same time as appealing the refusal the subject of this Report. This different planning appeal is the subject of another recommendation in another Report.
3. The appeal property has been the subject of several planning approvals within the last ten years. Works carried out subsequent to these permissions have included: the demolition of garages, stores and a boiler room; replacement windows and a replacement roof covering; and the construction of extensions, a dormer and garages.
4. The Department, in its statement of case, states that the proposal would be harmful to the setting of a Grade 3 Listed Building (Rosedale Farm). However, nowhere does the Department's decision notice refer to any harm to any heritage asset, nor does it refer to any harm to the setting of any heritage asset. Consequently, the proposed development was not refused on the basis of harm to the setting of a heritage asset.
5. For clarity, the application the subject of this appeal was refused because, in the Department's view, it would be "*visually dominant within the rural landscape resulting in harm to the landscape character of the area.*"
6. Further, the Department's decision notice states that the proposal is contrary to Island Plan Policies SP3, SP4, GD6 and NE3. There is no reference in the decision notice to Island Plan Policy HE1, which is concerned with the protection of heritage assets, including the setting of Listed Buildings.

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<sup>1</sup> Reference: Application Number P/2023/1135.

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7. Whilst the Department's officer's report states that the proposal "*would harm the setting of the Listed building,*" no detailed information is provided to explain how or why this might be the case. The Historic Environment Team (HET) provided a representation to the application but not the appeal.
8. The (HET) application response found the siting and design of the proposal to be appropriate. HET expressed a "*concern*" that the footprint of the building and associated hardstanding "*would seem excessive for domestic use.*" However, this appears as a general opinion and no detail, description or analysis of how the proposal might harm the setting of the Listed farmhouse was provided.
9. Noting all of the above, the main issue in this case, which addresses the Department's reason for refusal, is that set out under the Main Issue heading below. As an informative, I refer to the effect of the proposal on heritage assets under Other Matters.
10. This Report refers to the Planning Department as "*the Department.*"
11. The Bridging Island Plan, adopted on the 25<sup>th</sup> March 2022, is referred to in this Report as "*the Island Plan.*"
12. The summaries of the various cases set out below are neither exhaustive nor verbatim but summarise main points made by the relevant parties. In reaching the recommendation set out in this Report, I have considered all of the information before me.

### **Case for the Appellant**

13. The proposed ancillary building is considered to be an appropriate form of development in the countryside to enable the proper management of the appellant's land, which amounts to 27 verges.
14. The proposed store is necessary to store machinery and materials required for the maintenance of land and gardens at Rosedale Farm by a full-time gardener and handyman. This includes a tractor, flail, trailer, sit-on-mower and storage space for tools, equipment and supplies for fencing, grass sowing and tree and hedgerow planting and maintenance.
15. The proposed store would prevent the need for equipment to be stored outside, where it would be vulnerable to the elements and which would not be good countryside stewardship.
16. The site, size and siting of the proposal results in it appearing subservient to the main house. It would not be visible from any public vantage point and would be largely screened from the main house.
17. Such buildings as the one proposed are commonly found in the countryside. The proposed building would appear as a typically designed low-slung timber building, clad in oak weatherboarding.
18. The proposal was supported by an ecological assessment providing mitigation and including environmental enhancements such as landscaping with low maintenance grassland, fascia details for roosting bats and crevice features under wooden cladding. These enhancements should have been afforded more weight in the determination of the application.

19. The proposal should have been considered in the same way that an approved and now built garage was considered.
20. There would be no harm to the setting of the Listed farmhouse.

### **Case for the Department**

21. The proposed development would be isolated in its setting and create additional clutter within the landscape when seen from within the wider site. It would be harmful to the landscape character of the area. The proposal would harm the setting of a Listed Building.
22. The site is within the Green Zone and is considered part of the “*interior agricultural plateau*” as set out in the ILSCA (Integrated Landscape and Seascape Character Assessment). The location, width, length and limited justification for the proposal would result in additional clutter that would not respect landscape character or make a positive contribution to the character and distinctiveness of this rural area.
23. The proposal would appear dominant within the site, even though it would be well-screened from public view. It would be isolated from other buildings, creating additional clutter. The proposal would be visually dominant in the rural landscape.
24. There is a large garage elsewhere on the site and the proposal seeks an additional building of similar size with limited justification and this is considered excessive.
25. It is noted that the height and design of the proposal is appropriate.
26. The officer’s report states that the proposal would cause an unreasonable impact on the amenities of neighbouring properties. As this point conflicts with the officer’s report’s statement that the proposal would be well-screened from public view and is not carried through to the recommendation, it appears that this is a mistake and that the officer’s Report should have included the word “*not*” between the words “*would*” and “*cause*.”

### **Other Comments**

27. No other representations were submitted to the appeal.

### **Main Issue**

28. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

29. The appeal site comprises a large, 27 vergee landholding, including a traditional Grade 3 Listed farmhouse, Rosedale Farm, set between Mont Cochon to the east and Waterworks Valley to the west.
30. The topography of the site is such that levels fall away quite significantly from east to west, from hilltop to valley bottom. The farmhouse and adjacent gardens, tennis court and garage block sit on a plateau between higher land to the east and lower land to the south and west.

31. Rosedale Farm itself is an impressively extended and refurbished building, whereby sensitive improvements, including the notable use of local materials and careful attention to traditional design features, have enhanced the Grade 3 Listed heritage asset.
32. During my site visit, I observed that an area of valley land, which drops away to the south from the access to the property from Mont Cochon and then rises up again, is the subject of native planting and management, resulting in it appearing as an attractive, semi-natural rural valley- a visually striking natural haven just a short distance away from the built-up area to the south of the site.
33. Land to the other side of the farm, to the north, rises to a large agricultural field and there are areas of woodland to the west, where the land falls away to the valley below.
34. The proposed store would be located some considerable distance away from the farmhouse, to the north west of the site, behind a raised tennis court. The store would be located on re-profiled land, whereby the ground level of the store would sit considerably lower than that of the tennis court.
35. In addition to being set low in the ground, the store would have a mono-pitched roof. This would rise to the rear, such that the front of the building would only reach a modest height. Further, the roof would be pitched at a gentle angle, such that its rise to the rear would appear modest, rather than strident or dominant.
36. The proposed materials, including oak weatherboard cladding and timber doors, would result in the building appearing in harmony with its rural surroundings and woodland backdrop.
37. I find that the proposed store's profile, siting and design would combine to result in it appearing as a simple but attractive agricultural store that would appear in keeping within the *agricultural plateau*, as defined in the ILSCA. It would appear as a modest addition, comfortably settled within its surroundings.
38. Given all of the above, the proposed store would not appear dominant and would not draw undue attention to itself. It would be largely invisible from outside the appeal site and would be mostly obscured from views within the site by the presence of the tennis court and the existing garage, as well as by the local topography.
39. The Department found the store's height and design to be appropriate and similarly, I consider that the careful design, use of materials, siting and nestled appearance of the store would result in it appearing as the kind of agricultural building one might expect to glimpse within the countryside. It would not appear as clutter. Rather and by way of contrast, it would provide for the storage of machinery and materials and in so doing, it would serve to reduce the scope for a cluttered effect arising from externally stored agricultural paraphernalia.
40. Neither would the proposed store appear isolated. In fact, the area of hardstanding adjacent to it would provide for a visual link with the nearby garage and in this way the proposal would appear as an integral part of the large appeal property's general service area.

41. Given all of the above, I find that the proposed development would protect landscape character.

42. The proposal would not result in harm to the character and appearance of the area and it would not be contrary to Island Plan Policies SP3, SP4, GD6 or NE3, which together amongst other things, seek to protect local character.

### **Other Matters**

43. As noted above, the proposal was not refused on the grounds of its effect on heritage assets. There is nothing before me to demonstrate that the proposal would fail to protect the setting of Rosedale Farm, a Grade 3 Listed Building.

44. For information, I note that the existing tennis court and garden area adjacent to Rosedale Farm provide the Listed Building with an extended domesticated setting. The proposed development is situated beyond these areas, is largely obscured and as noted above, would appear as a carefully designed agricultural building, in keeping with and nestled into, its surroundings.

45. The appellant, in support of his case, notes that the proposed store would support the management of a large landholding.

46. During my site visit, I observed numerous examples of carefully considered stewardship. These include the enhancement of a Grade 3 Listed Building and in the case of the rural valley area described earlier in this Report, sustained investment into biodiversity and land management. Noting the ongoing nature of the latter of these in particular, there is plentiful visual evidence to demonstrate that the proposed development is justified.

### **Conditions**

47. There is no reason not to impose the two standard planning conditions normally imposed by the Department, requiring development to commence within three years of the decision date and requiring development to be carried out in accordance with approved plans.

48. An Ecological Assessment was submitted with the planning application relating to this appeal. Amongst other things, this identifies the potential for the presence on the site of protected species under the Wildlife (Jersey) Law 2021 (the "*Wildlife Law*") on the site and how they may be protected by the proposed development.

49. Noting this, I recommend the imposition of the following condition in addition to the two standard conditions:

- *Condition 3.* The measures outlined in the approved Species Protection Plan (NE/ES/RDF.01, December 2023, Nurture Ecology) shall be implemented prior to commencement of the development, continued throughout (where applicable) and thereafter retained and maintained as such. Any variations that may be required as a result of findings on site are to be agreed in writing by the Land Resource Management Team prior to works being undertaken.

*Reason:* To ensure the protection and improvement of biodiversity.

**Conclusion**

50. For the reasons set out above, I recommend to the Minister that the appeal be upheld and that planning permission be granted.

Nigel McGurk BSC(HONS) MCD MBA MRTPI

PLANNING INSPECTOR