

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.

Reference: P/2023/1135

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/2023/1135 by Ross Walker was refused by notice dated 25 April 2024.
 - The proposed development is to form new pillars and gate at Waterworks Valley entrance. Install new LPG, water tank and electrical cabinet base to east of site.
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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 application¹ 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. In refusing the planning application, the Planning Committee did not raise any issues with the LPG tank and electrical cabinet base to the east of the site. I viewed this element of the proposal, which is now in situ, during my site visit and it was apparent to me that this provides required infrastructure, is modest in scale and that its siting and appearance results in no harm to local character or heritage assets.
5. Given this and the fact that the Planning Committee had no concerns in respect of the LPG tank and electrical cabinet base, the reasons set out below focus on the proposed pillars and gate at the Waterworks Valley entrance to the appeal site. There is no substantive evidence to lead me to conclude that the proposal for the LPG tank and electrical cabinet base is anything other than appropriate development.

¹ Reference: Application Number P/2023/1164.

6. This Report refers to the Planning Department as "*the Department.*"
7. The Bridging Island Plan, adopted on the 25th March 2022, is referred to in this Report as "*the Island Plan.*"
8. 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

9. The proposal accords with the design advice of the adopted Landscape and Seascape Character Guidance (July 2023).
10. The proposed gate is intended to provide security for a private driveway which has seen numerous incidents of members of the public driving up to the house, thinking that the access and driveway is a public road.
11. The proposed LPG tank and electric cupboard base provide for the appellant to cook by gas.

Case for the Department

12. The proposed pillars and gate would be dominant and intrusive in the landscape, due to the design, size and location which is considered detrimental to the landscape character of the area and setting of the Listed Building.
13. The Historic Environment Team (HET) was a consultee to the application. The HET did not submit any representation to the appeal but its application response commented that the design of the gates is based on that of the main entrance gates to Le Mont Cochon, that the entrance to Le Chemin de Moulins is a secondary entrance and that the reference is not appropriate and that a more discreet timber gate of reduced height would better respond to the context.
14. The water and LPG tanks are modest in scale and set well away from the house. Details could be conditioned on a decision notice.

Other Comments

15. No other representations were submitted to the appeal.

Main Issue

16. The main issue in this case is the effect of the proposed development on the character and appearance of the area, including its effect on the setting of Rosedale Farm, a Grade 3 Listed Building.

Reasons

17. 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.
18. 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.

19. Rosedale Farm itself comprises an impressively extended and refurbished Grade 3 Listed Building. Sensitive improvements, including the notable use of local materials and careful attention to traditional design features, have enhanced the heritage asset.
20. To the south and east of Rosedale Farm, an area of valley, dropping away to the south from the access to the property from Mont Cochon and then rising again, is the subject of native planting and management, resulting in it appearing as an attractive, semi-natural valley. Land to the north of the farm rises to a large agricultural field and there are areas of woodland to the west, where the land falls away to the valley below.
21. The first part of the long access road from the farmhouse to the Waterworks Valley drops steeply from Rosedale Farm's garage. The road passes adjacent to a neighbouring dwelling, set further towards the valley bottom and begins to level out, before comprising a flat road through woodland to its junction with Waterworks Valley.
22. As a result of the long distance from Rosedale Farm to the Waterworks Valley entrance, the intervening significant drop in levels and the presence of woodland, there is no visual relationship between the site entrance and the Grade 3 Listed Building. Visually, the proposed siting of the pillars and gate is completely severed from the Listed Building.
23. Further to the above, the area of the appeal property around the proposed siting of the pillars and gate appears within a completely different setting to that of Rosedale Farm. There are glimpses towards the modern neighbouring dwelling that the access road passes alongside, albeit this is a considerable distance away and through an extensive woodland setting.
24. In the absence of any visual impact at all on the setting of Rosedale Farm, there appears to be an implied contextual impact, having regard to the HET comments referred to above. The HET suggests that the proposed gates would comprise a secondary entrance and that reference to the design of the gates at the Mont Cochon entrance is not appropriate, but rather a more discreet timber gate of reduced height would better respond to context.
25. I note that the context of the area is such that the proposed gates would be set at the entrance to a road shared by two dwellings, Rosedale Farm and a modern neighbouring dwelling. The planning application does not apply for the primary or secondary use of the Waterworks Valley entrance. How the entrance is used would be at the discretion of the occupiers of Rosedale Farm and the neighbouring dwelling.
26. The existing entrance comprises a road providing direct access from Waterworks Valley. It does not have the appearance of a secondary access and as above, there is total visual separation from Rosedale Farm. The context and appearance of the access is such that numerous members of the public have entered and driven along it, assuming that it comprises a public road.

27. Two modest stone pillars of plain design and a well-crafted iron gate of modest proportions are proposed. Neither the pillars nor the gate would reach above 2 metres in height. The proposed pillars and gate would be set well back from the access road's junction with Waterworks Valley, against and within a wooded background.
28. The pillars and gate would thus appear neither intrusive nor dominant. They would comprise a modest entrance feature, typical of that which one would expect to see towards the entrance of a private road leading to large private residences. Given this and all of the above, I consider the proposed development to be in keeping with its context.
29. Further and with specific regard to the proposed appearance of the pillars and gate, I am particularly mindful that the proposal has been designed to reflect the recommendations for new gates and pillars as set out in the Jersey Landscape and Seascape Character Guidance (2023).
30. This Supplementary Planning Guidance sets out how the Island's landscape and seascape character can be maintained and enhanced.
31. The SPG states that traditional entrances should be:
- "...small in scale and simple in design, with well-crafted wrought iron gates hung from substantial pillars. Avoid overly elaborate lighting and entrance gates and keep stonework simple."*
32. The proposed development is in accordance with the guidance.
33. Consequently, I find that the proposed development would protect landscape character and would not result in harm to the character and appearance of the area. The proposal would have no effect on the setting of Rosedale Farm, a Grade 3 Listed Building. The proposal would not be contrary to Island Plan Policies SP3, SP4, GD6, HE1, H9 or NE3, which together amongst other things, seek to protect local character.

Other Matters

34. In support of the proposal, the appellant states that members of the public mistakenly follow the access on the assumption that it is a private road.
35. I find that the proposed development would change the appearance of the existing access from one that could be taken for a public road into one that would appear as the entrance to a private road. This would serve to prevent confusion and would comprise a public benefit arising from the proposal.

Conditions

36. 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.
37. There is no requirement for any additional conditions and I therefore recommend the imposition of the two standard conditions.

Conclusion

38. 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