

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of agricultural land to rear of property to domestic garden (2,417sqm).

LOCATION: Sunwood, Route Des Long Camps, St. Sampson.

APPLICANT: Mr & Mrs R Campbell

I refer to the application referred to below received as valid on 11/08/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/03/2022

Drawing Nos: Chris Workman & Co. Ltd: RC:20:14/03A.

Application Ref: FULL/2021/1575

Property Ref: B01382B000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. It has not been demonstrated that the agricultural land the subject of this application cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, and therefore the application is contrary to criterion (c) of Policy GP15.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of

the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2021/1575
Property Ref: B01382B000
Valid date: 11/08/2021
Location: Sunwood Route Des Long Camps St. Sampson Guernsey
Proposal: Change of use of agricultural land to rear of property to domestic garden (2,417sqm).
Applicant: Mr & Mrs R Campbell

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been demonstrated that the agricultural land the subject of this application cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, and therefore the application is contrary to criterion (c) of Policy GP15.

OFFICER'S REPORT**Site Description:**

The application site contains a detached dwelling fronting onto La Route des Longs Camps to the east with an associated rear garden approximately 40 metres in length. The western section of the site, measuring 2,417sqm, is recognised as agricultural land and is largely laid to grass but also includes a small block built outbuilding along the north boundary which is a remnant of the former horticultural use of the land. The agricultural land is accessed via a track running along the inside of the north boundary.

The existing domestic property is bounded to the north and south by residential properties which form a ribbon of development along La Route des Longs Camps. The agricultural land, the subject of this application, is bounded to the north by the Guernsey Tennis Centre and a parcel of agricultural land, to the west by a former reservoir serving a vinery site which is recognised as agricultural land and to the south by a large expanse of open agricultural land.

The site is situated Outside of the Centres and is outside of the Agriculture Priority Area but is bounded to the south by an Agriculture Priority Area.

Relevant History:

16/09/2020 – FULL/2020/1113 – Permission granted to alter/widen vehicular access.

Existing Use(s):

Agricultural use class 28
Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to change the use of a parcel of agricultural land measuring 2,417sqm to a domestic garden associated with the dwelling Sunwood.

The application is accompanied by a letter from the agent referring to Policy GP15 and setting out comments in support of the application.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP15: Creation and Extension of Curtilage

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are the impact on the landscape character and openness of the area and whether the agricultural land can positively contribute to the commercial agricultural use of the adjacent Agriculture Priority Area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance and the application was submitted prior to September 2021 and is therefore not required to demonstrate an ecological enhancement. No changes to the existing boundaries are proposed and the

proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

Impact on the landscape character and openness of the area

The land forming the subject of this application is bounded to the east by residential properties fronting onto La Route des Longs Camps and to the north is the indoor tennis centre. The land is bounded by a large swathe of open and undeveloped/agricultural land to the south and is bounded to the west by a glasshouse site which has the potential to become open and undeveloped land, if the glasshouses are removed once they are no longer required.

The land extends beyond the established rear boundaries of residential properties fronting onto La Route des Longs Camps to the east and it has the potential to contribute to a large swathe of open and undeveloped land to the south and west, particularly if the existing glasshouse site to the west is cleared. However, the south boundary of the site and adjacent land parcels to the east and west comprise of a well-established soft landscaped boundary which visually forms a degree of separation from the open and undeveloped land to the south when viewed from the public highway to the south-east. Together with the pattern of built development to the north and east and the siting of the land, to the rear of residential properties fronting onto the highway and adjacent to the tennis centre, the parcel of land is not prominent in public views and is viewed in context with adjacent built development, which has the effect of limiting its contribution to the landscape character and openness of the area.

The majority of the land is in excess of 30 metres from the existing dwelling and would benefit from limited exemption rights. However, to ensure that the open and undeveloped nature of the land is retained in public views from La Route des Longs Camps to the south-east, it would be recommended, in the case of an approval, that exemptions rights for fencing, walls and gates are revoked. On balance, the proposed change of use of the land is unlikely to have an unacceptable detrimental impact on the landscape character of the area, in accordance with Policies GP15 and GP1.

Whether the agricultural land can positively contribute to the commercial agricultural use of an Agriculture Priority Area

The Island Development Plan Glossary defines agricultural land as:

Any land used, or with the application of good husbandry, capable of being used, for dairy farming, for production, rearing or maintenance of livestock or for market gardening or the outdoor cultivation of flowers, bulbs or nursery stock and includes land which was covered by a glasshouse if the land is capable of being used as aforesaid and land which is covered by a glasshouse but does not include land used as a garden other than a market garden.

Various policies within the Island Development Plan make provision for the loss of agricultural land and other forms of development within or adjacent to the identified Agriculture Priority Areas where it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse

environmental impacts (for example by having to demolish hedge banks or landscape features). These policies however place the onus on the applicant to demonstrate that this is the case.

The Authority has published non-exhaustive guidance on matters that could be taken into account:

When assessing if a particular site or land parcel can make a positive contribution to the commercial agricultural use of an identified Agriculture Priority Area, the following matters could be taken into account:

- *What the requirements of the agricultural industry are at the time;*
- *The condition of the land (e.g. the grade and depth of the soil, any contamination, whether it is able to be used for agriculture or if not what may be required to make it available for cultivation or grazing);*
- *Whether the land can be used for agriculture without adverse environmental impacts;*
- *The size of the site/piece of land;*
- *How the site/piece of land relates to existing agricultural holdings;*
- *Access;*
- *Topography (including slope, gradient, etc);*
- *Flooding/Drainage;*
- *The nature of the proposed use (will the proposed use allow the long term use of the land for agriculture to remain).*

In this case the application site lies outside but adjacent to an Agriculture Priority Area, and only the first part of criterion (c) to Policy GP15 is relevant.

The agent contends that the area of land is not large enough to make a positive contribution to a commercial farming operation and notes that it is not in an Agriculture Priority Area.

The land forming the subject of this application measures 2,417sqm, it is level, there is a vehicular access and no information has been submitted to demonstrate that the land cannot be used for agricultural purposes by virtue of its condition or flooding/drainage issues. The land is adjacent to a large swathe of agricultural land within an Agriculture Priority Area and it could be connected to that land through the creation of an access in the south boundary. In addition, there is potential for the land to be used in conjunction with the glasshouse site to the west, should the glasshouses be removed once they are no longer required. Although the land forming the subject of this application is smaller than adjacent fields, it is not so small that it could not be used for commercial agriculture, particularly if it were connected to adjacent agricultural land to the south or west. As a result, it has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area and therefore the application is contrary to criterion (c) of Policy GP15.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

As set out above, the proposal does not accord with Policy GP15 and it is recommended that the application is refused.

Date: 28/02/2022