

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 domestic garden (771sqm). Demolish wall and erect wall to widen vehicle access to north boundary, alter ground levels and install retaining wall and landscaping to east of Les Gouies. Erect wall/earthbank and erect gates to north of La Pepiniere and east boundary and erect gate and hardstanding/track to agricultural land (part retrospective).

LOCATION: Les Gouies & Le Pepiniere, La Vassalerie, St. Andrew.

APPLICANT: Mr S Pragnell

I refer to the application referred to below received as valid on 15/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/12/2024

Drawing Nos: DRP Architecture: 3010 D01H, D02C.

Application Ref: FULL/2024/1562

Property Ref: K006680000+K00668A000

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 satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A).

2. The proposed domestic curtilage extension, the subject of this application, forms part of a larger area of open and undeveloped land to the east. It also forms part of a larger swathe of open and undeveloped land which extends to the south of the application site, and is visible from the public highway to the north, particularly in and around the existing vehicular access to Les Gouies. The removal of an earth bank with

trees surmounted on top together with the change of use of land and the operational development carried out, has suburbanised and domesticated the agricultural land, formerly known as St Andrews Nursery. The removal of the former earthbank, which once defined the west boundary of agricultural land, together with new hard surfacing, granite walls, rockery area, and ornamental planting has connected both land parcels in a domesticated fashion and has had a detrimental impact on the wider rural landscape character and undeveloped nature of the land. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of Les Gouies. The proposal is contrary to Policies GP15(a) and GP1.

3. The widening of the vehicular access to the north of the dwelling-house (Les Gouies) would have a detrimental impact on the character and appearance of the surrounding area. The section of the roadside boundary makes a positive contribution to the rural landscape and the partial removal of the boundary treatment, coupled with the proposed width of the vehicular access would form an excessive opening in the street scene. The proposal consequently conflicts with Policies GP1 (Landscape Character and Open Land), GP8 (Design), and GP13 (Householder Development) of the adopted Island Development Plan.

4. The proposed tree planting scheme is inappropriate as most of the planting that is shown on the block plan, and that has been recently planted, incorporates a large proportion of non-native species and is located on agricultural land, rather than within the proposed extension of curtilage. The proposal has not satisfactorily addressed the 2020 Strategy for Nature and therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

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/2024/1562
Property Ref: K006680000+K00668A000
Valid date: 15/10/2024
Location: Les Gouies & Le Pepiniere La Vassalerie St. Andrew Guernsey
Proposal: Change of use of agricultural land to domestic garden (771sqm).
Demolish wall and erect wall to widen vehicle access to north boundary, alter ground levels and install retaining wall and landscaping to east of Les Gouies. Erect wall/earthbank and erect gates to north of La Pepiniere and east boundary and erect gate and hardstanding/track to agricultural land (part retrospective).
Applicant: Mr S Pragnell

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A).

2. The proposed domestic curtilage extension, the subject of this application, forms part of a larger area of open and undeveloped land to the east. It also forms part of a larger swathe of open and undeveloped land which extends to the south of the application site, and is visible from the public highway to the north, particularly in and around the existing vehicular access to Les Gouies. The removal of an earth bank with trees surmounted on top together with the change of use of land and the operational development carried out, has suburbanised and domesticated the agricultural land, formerly known as St Andrews Nursery. The removal of the former earthbank, which once defined the west boundary of agricultural land, together with new hard surfacing, granite walls, rockery area, and ornamental planting has connected both land parcels in a domesticated fashion and has had a detrimental impact on the wider rural landscape character and undeveloped nature of the land. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of Les Gouies. The proposal is contrary to Policies GP15(a) and GP1.

3. The widening of the vehicular access to the north of the dwelling-house (Les Gouies) would have a detrimental impact on the character and appearance of the surrounding area. The section of the roadside boundary makes a positive contribution to the rural

landscape and the partial removal of the boundary treatment, coupled with the proposed width of the vehicular access would form an excessive opening in the street scene. The proposal consequently conflicts with Policies GP1 (Landscape Character and Open Land), GP8 (Design), and GP13 (Householder Development) of the adopted Island Development Plan.

4. The proposed tree planting scheme is inappropriate as most of the planting that is shown on the block plan, and that has been recently planted, incorporates a large proportion of non-native species and is located on agricultural land, rather than within the proposed extension of curtilage. The proposal has not satisfactorily addressed the 2020 Strategy for Nature and therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house (known as Les Gouies), set within extensive grounds, with a large expanse of agricultural land lying to the east of the dwelling. The property is located south of La Vassalerie.

To the east of the site lies La Pépinière, a detached dwelling-house which falls under the same ownership as the house and the agricultural land. The land parcels in question are recognised as being two independent planning units, with Les Gouies forming one entity, and the agricultural land and La Pépinière forming the other. The parcels of land have separate Cadastre references (K006680000 and K00668A000).

The agricultural land and La Pépinière were previously named as St Andrews Nursery and St Andrews Nursery Cottage, respectively. The west boundary of the agricultural land was once defined by a traditional earth bank with trees surmounted on top. It is also noted in the agent's letter and information available to the Planning Service that a small access track once featured between St Andrews Nursery and Les Gouies which provided an additional access to the fields to the rear (south) of the site.

The site falls Outside of the Centres and within an Agriculture Priority Area (APA) as designated in the Island Development Plan.

Relevant History:

6 Elm trees were felled towards the western boundary of the agricultural land in 1994 (PAPP/1994/3767) which highlights the former boundary treatment between the agricultural land, the access track and Les Gouies, of which trees, hedges and an earthbank are visible in photographs.

Based on the 2019 orthophotograph, a number of mature trees were visible between Les Gouies and the agricultural land.

The trees were felled and cleared from the site as they were not present on the 2022 orthophotograph. It is presumed that the earth bank and hedging was also removed during this time, which would have required planning permission.

Retrospective planning permission was granted in 2022 to change the use of agricultural land to domestic garden (1350 sq.m) located north of La Pépinière (FULL/2022/0036).

The most relevant planning history for both Les Gouies and the agricultural land and La Pépinière are set out below.

Les Gouies:

FULL/2020/1987	Demolish and rebuild section of wall to widen vehicular access.	Granted
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Agricultural land and La Pépinière:

PREA/2023/1476	Driveway alterations	Pre-application enquiry
FULL/2022/1755	Install hard surfacing and erect gate to reconfigure driveway.	Withdrawn
FULL/2022/0048	Erect and alter earthbank to north and north-east boundary (retrospective).	Granted
FULL/2022/0036	Demolish greenhouse and shed, erect earthbank, relocate sheds to east of site, alter vehicle access and install gate and change of use of agricultural land to domestic garden (1350 sq m) (retrospective).	Granted
CURT/2021/1598	Definition of Curtilage.	

Existing Use(s):

Residential – dwelling house (Les Gouies). Cadastre ref: K006680000

Agricultural – field to east of dwelling (Les Gouies). Cadastre ref: K00668A000

Residential – dwelling house (La Pépinière). Cadastre ref: K00668A000

Brief Description of Development:

Planning permission was sought in 2022 to hard surface an agricultural track and install a gate in order to create a link between an existing agricultural track and a domestic driveway serving Les Gouies (FULL/2022/1755). The application was withdrawn as concerns were raised over domesticating the use of an agricultural track thereby formalising agricultural land for residential purposes, together with the lack of information submitted to demonstrate that the site could not positively contribute to the agricultural sector given the land's siting within an Agriculture Priority Area.

Planning permission is now sought to change the use of an area of agricultural land to domestic curtilage. The area of land in question equates to approximately 771sqm (as noted on the application form). The application also proposes to demolish existing and erect a replacement wall to widen the vehicle access to the north boundary, serving Les Gouies. The application involves altering ground levels, and installing a retaining wall and landscaping sited on agricultural land, located immediately adjacent to Les Gouies.

To the east, the application involves erecting a wall/earthbank and installing gates to the north and east of La Pepiniere. It is also proposed to install a gate and hardstanding on the agricultural land (part retrospective).

Following a site visit to the property, it is evident that the works proposed are all retrospective given that a material change of use has occurred from agricultural land, to domestic curtilage. Evidence of this change of use is apparent by virtue of the domestic character and appearance of the land as a result of; a change in land levels, the creation of a granite cobbled driveway (linking the domestic curtilage and the agricultural land), bounded by granite walls, the installation of granite boulders and a rockery area with associated ornamental style planting to the south of the access track, together with the domestic landscaping to the north of the driveway, all within the proposed extension of curtilage.

The agricultural track has been resurfaced with loose stone/aggregate which appears to be placed on top of a reinforced plastic grid system. The track is now flanked by smooth granite setts, with LED lights incorporated within the stone. The granite setts are flanked by a row of lavender planting, planted in a bed of loose stone/aggregate. The grass has also been reseeded and has a uniform and manicured appearance. Towards the east of the driveway, the domestic style gates have been installed. All the above works add to the domestic character and appearance of the land.

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

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

GP15 Creation and Extension of Curtilage

2020 Strategy for Nature Supplementary Planning Guidance.

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

I have reviewed the proposed plans for Les Gouies which were received by email on 22nd October 2024 and there are a number of issues of concern that I must raise. Due to the historic greenhouses on the site, I would have concerns for contamination of metals. Furthermore, due to the greenhouse and the associate historic horticultural/agricultural industries these housed I would have concerns for pesticide contamination. In addition, to this, after having reviewed the historic records these greenhouses were heated, as such I would further have concerns for contamination from hydrocarbons. With these points in mind, I therefore believe the contaminated land condition (set out in the consultation reply) should be applied in full.

La Societe Guerneslaise's comments:

We would highlight that the application does not appear to include sufficient biodiversity measures aimed at providing a net ecological gain. The current proposals include a large proportion of non-native species and the landscaping is such that overall, a parkland-type of habitat would be created.

Further, although the arboricultural report mentions some biodiversity suggestions in general terms, there are no details regarding the provision of any of them and we therefore doubt that any would actually be undertaken.

In addition, we would highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that consideration be given to the increased light pollution which may arise from this ongoing development within this rural landscape. Associated light pollution would extend over a large area of mostly agricultural land and adjoining wooded valley escarpments frequented by bats and other sensitive wildlife such as foraging owls.

We would request that, if this latest application is approved, an informative note be added to the Information Sheet as follows -

'Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible'.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

La Societe can be contacted by emailing info@societe.org.gg.

Summary of Issues:

The main issues in deciding this application are centred on:

1. The impact on and the loss of agricultural land within the Agricultural Priority Area (APA).
2. The impact of the development on the openness and landscape character of the area.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

The site is not within an Area of Biodiversity Importance and the proposal would have no adverse effects on neighbouring residents.

Loss of agricultural land within an Agriculture Priority Area

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

Whilst the policy approach of OC5(A) is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan.

In order to protect Guernsey's best agricultural land, where appropriate, proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Areas will only be supported where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island

Development Plan. The policies 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. It is noted that 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).*

The arboriculture report dated 13th May 2024 sets out in Section 1.2 that *‘the historical, commercial horticultural use of the land parcel to the East of Les Gouies Manor would have been a low contributing component within the APA’*. The agent notes in paragraph 3.14 of their letter that *‘to assist this position, the arboriculturalist report confirms the above in that the Land is more practically possible to be used for Agriculture than it has ever been and retained outside of the curtilage...’*. The agent’s justification for the change of use of land generally advocates that the proposal should be seen as a ‘trade-off’ by virtue of extending the domestic curtilage by a limited extent, in return for retaining a larger parcel of agricultural land.

The land is predominantly flat with a suitable vehicular access located to the east of the site, which could be used for agricultural machinery, associated vehicles and/or cattle. The land parcel forms part of a broader area of contiguous agricultural land extending to the south, with good connectivity to agricultural land in the wider locality, also sited within the Agriculture Priority Area.

The land in question could be used for commercial agricultural use on its own by virtue of its size and the previous history of the site and has the potential to be amalgamated with the adjoining field to the south, or be used in association with nearby fields in the surrounding area.

Moreover, the loss of this parcel of agricultural land would fragment the wider agriculture land parcel between Les Gouies and La Pepiniere, and the larger swathe of agricultural land to the north and south when viewed in a wider context, thus having a detrimental effect on its potential use for commercial agricultural purposes by itself, or in conjunction with adjoining or nearby agricultural land. If approved, the remaining

area of agricultural land between Les Gouies and La Pepiniere would be smaller and therefore less capable of making a meaningful contribution to the Agriculture Priority Area.

In conjunction with the operational development carried out, the trees planted on agricultural land would indicate that there is no intention to use the remaining larger area of agricultural land for commercial purposes. Furthermore, the position of the granite setts together with their height and parallel planting would also make accessibility for machinery practically impossible and unrealistic to manage the land for commercial agriculture. This therefore signifies that the land is not to be used for commercial agriculture and is in essence a further extension of domestic curtilage as a result of domesticating the agricultural land to serve as a formal driveway. This is also evident as no demarcation has been proposed between the extension of domestic curtilage and the remaining agricultural land, such as a hedgerow or earthbank.

Notwithstanding the points made in support of the proposal, it is concluded that it has not been satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A).

Impact on the landscape character and openness of the area:

Paragraph 19.16.7 of Policy GP15 states that:-

“competition for land can occur when a residential use adjoins an open area of land and the householder would like to incorporate some of that open land within the domestic curtilage of the residential property” and that “in these instances there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. An assessment of proposals will take into account the impact on the wider areas of open landscape and Agriculture Priority Areas.”

With regards to the impact on the landscape character and openness of the area, Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

With regards to the loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area, paragraph 19.2.5 sets out that:

“an important contribution to the landscape character of an area is made by the particular features within them. Such distinctive features include boundary treatments, historic field patterns, trees and natural landscaping and are important elements in defining an area’s local distinctness.”

The application site lies within the Upland Plateau landscape as identified in Annex V of the Island Development Plan. Annex V describes the characteristics of the Upland Plateau as:

“... a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures. Interspersed through this field pattern are a series of small scattered settlements, usually in lower sheltered ground and surrounded by mature trees. Many of these hamlets reflect traditional Guernsey architecture. The settlements tend to be clustered around a church, a spring or a lavoir (public washing area) and are sometimes connected by a network of narrow green lanes which wind around the field boundaries. In places, former green lanes have been upgraded to roads, but even the main roads are often no more than 14 ft wide. A number of pastures have been replaced by glasshouses and residential development but the landscape fabric of hedges, banks and tree-lined lanes generally keeps views short, except in the more open west. However, the airport and the ribbon development which has grown up alongside main roads over the last 50 years, particularly in St Martin, is not well-screened and impacts on the traditional settlement pattern and character of the landscape. The parishes which make up much of this plateau area tend to each have a distinctive character and provide the basis for division into sub-zones of Western, Central and South Eastern Plateaux.”

The application site falls within the Central Plateau. Annex V.30 describes the characteristics of the Central Plateau as:

“... Firstly, the area extends to the edge of St Peter Port and has been influenced by the expansion of the town. In addition, the separation between settlements has in places been blurred by ribbon development. Tree cover, however, extends beyond the valleys into hedgerows and roadsides. The second difference relates to the valley system as the plateau is crossed by the two main valleys of the Island (Fauxquets and Talbot Valleys). These divide the Plateau into two main ridges.”

The former earthbank with trees surmounted on top, interspersed with hedging, that once formed the west boundary of the agricultural land (St Andrews Nursery) has been removed. It is also possible that a number of hedges located along the east boundary of Les Gouies have also been removed based on the 2019 orthophotograph.

The former earthbank and trees would have made a distinctive contribution to the wider landscape character based on previous site visit photographs and reflects the description set out in the Upland Plateau landscape type. The works carried out would have required planning permission, in particular the removal of the earthbank and hedges.

The proposed domestic curtilage extension, the subject of this application, forms part of a larger area of open and undeveloped land to the east. It also forms part of a larger swathe of open and undeveloped land which extends to the south of the application site, and is visible from the public highway to the north, particularly in and around the existing vehicular access to Les Gouies. The removal of an earth bank with trees surmounted on top together with the change of use of land and the operational development carried out, has suburbanised and domesticated the agricultural land, formerly known as St Andrews Nursery. The removal of the former earthbank, which once defined the west boundary of agricultural land, together with new hard surfacing, granite walls, rockery area, and ornamental planting has connected both land parcels in a domesticated fashion and has had a detrimental impact on the wider rural landscape character and undeveloped nature of the land. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of Les Gouies. The proposal is contrary to Policies GP15(a) and GP1.

The impact on the wider rural landscape character, undeveloped nature, and the feeling of openness, could be exacerbated further by the introduction of domestic paraphernalia and works carried out under the Exemptions Ordinance (2023). Whilst certain types of development permitted under the Exemptions Ordinance could be restricted, the overarching impact of the development results in unacceptable harm.

Vehicular access:

Widening the vehicular access as part of this application would create a large vehicular access point, ranging to approximately 10m wide near the road verge and tapering down to approximately 4m.

The widening of the vehicular access to the north of the dwelling-house (Les Gouies) would have a detrimental impact on the character and appearance of the surrounding area. The section of the roadside boundary makes a positive contribution to the rural landscape and the partial removal of the boundary treatment, coupled with the proposed width of the vehicular access would form an excessive opening in the street scene. The proposal consequently conflicts with Policies GP1 (Landscape Character and Open Land), GP8 (Design), and GP13 (Householder Development) of the adopted Island Development Plan.

Biodiversity:

In line with the 2020 Strategy for Nature, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 1st September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted.

This application has included a number of tree planting measures, despite a large proportion being outside of the proposed extension of domestic curtilage and on agricultural land.

In its current form, the tree planting scheme is inappropriate as most of the planting that is shown on the block plan, and that has been recently planted, is located on agricultural land which would ultimately prevent the functional use of the land from making a material contribution to the agricultural industry. Moreover, any biodiversity enhancement measures should be within the proposed extension of curtilage to reflect the area that is materially changing use, and to ensure that an appropriate demarcation exists between the proposed extension of curtilage and the existing agricultural land to prevent further suburbanisation and to manage the land uses accordingly.

Comments from La Societe also indicate that a large proportion of non-native species have been planted, and that full details of biodiversity suggestions are noted generally and are not specific, casting doubts that biodiversity suggestions would be implemented. Other concerns are regarding light pollution, from lighting incorporated in the granite setts that border the new driveway, which could adversely affect bats and other sensitive wildlife such as foraging owls.

On this basis, the proposal has not satisfactorily addressed the 2020 Strategy for Nature and therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

Conclusion:

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

As set out above, the proposal does not accord with IDP Policies OC5(A), GP15 and GP1 or the 2020 Strategy for Nature Supplementary Planning Guidance and it is recommended that the application is refused.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 05/12/2024