

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 (204sqm).

LOCATION: L'Atelier, Rue Des Roquettes, St. Andrew.

APPLICANT: Mr P Strachen & Ms H O'Meara

I refer to the application referred to below received as valid on 21/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 20/11/2024

Drawing Nos: Courtillet Design: 23.798 10B

Application Ref: FULL/2024/1721

Property Ref: K00294C000+K00294B000

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. The proposed change of use of agricultural land to domestic garden would result in the loss of agricultural land that could contribute to the commercial function of the Agriculture Priority Area given its location in a field that is actively used for producing silage and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the Agriculture Priority Area. The scheme therefore fails to accord with the aims of Policy GP15 c) of the Island Development Plan.

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/2024/1721
Property Ref: K00294C000+K00294B000
Valid date: 21/10/2024
Location: L'Atelier Rue Des Roquettes St. Andrew Guernsey GY6 8SL
Proposal: Change of use of agricultural land to domestic garden (204sqm).
Applicant: Mr P Strachen & Ms H O'Meara

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed change of use of agricultural land to domestic garden would result in the loss of agricultural land that could contribute to the commercial function of the Agriculture Priority Area given its location in a field that is actively used for producing silage and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the Agriculture Priority Area. The scheme therefore fails to accord with the aims of Policy GP15 c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

L'Atelier, Rue Des Roquettes is a detached one and a half-storey dwelling with a subservient, pantile roof extension to the east. Vehicular access is via Rue Des Morts. Adjacent to Rue Des Roquettes is 'U' shape stable with pantile roof and a central area infilled with a flat roof. The domestic garden for the property is situated to the north and south of the dwelling, east of the stables. A hedge marks the boundary with the agricultural land to the north which appears to be used for the grazing of horses. Established planting exists along the west, roadside boundary.

A lean-to shed has been constructed to the immediate north of the stable block. This building was erected sometime between 2009 and 2013.

Relevant History:

PAPP/2009/0364 - Erect new stable block, tack room and stores – granted

CURT/2021/0263 - Definition of Curtilage

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the change of use of a section of agricultural land (204sqm) to the north of the stables to domestic garden. The submission confirms that an area of 3780sqm would be retained as agricultural land to the north of the property. The submission notes that the land that is the subject of this application does not have a high biodiversity value with the remainder of the agricultural land self-wild and mown bi-annually for silage.

The supporting information indicates that the shed on the agricultural land has been used for storage of spare building materials, this however, this is not a legitimate use on agricultural 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

GP15: Creation and Extension of Curtilage

Strategy for Nature Supplementary Planning Guidance (SPG)

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for L'Atelier which were received by email on 28th October 2024 and there are a number of issues of concern that I must raise. The historic records indicate greenhouses have been present on the site. From the cover letter I understand the application will allow for a larger storage shed, which is not dissimilar from its current use and location. A discovery strategy condition is recommended in this case.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, its effect on the commercial function of the Agriculture Priority Area, the impact of the change of use on landscape character and residential amenity and whether the scheme satisfactorily addresses the matter of biodiversity enhancements in accordance with the Strategy for Nature Supplementary Planning Guidance.

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 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.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management, ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas (APA).

Whilst the policy approach 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 (Policy OC5A).

Policy GP15 makes provision for the extension and creation of curtilages to serve both domestic and non-domestic buildings, subject to compliance with a number of criteria.

Impact on the landscape character

The site forms part of the Upland Landscape, the Plateau, close to the Talbot Valley. The plateau landscape is characterised by hedges, banks, hedgerow trees and tree-lined lanes which enclose small pastures, interspersed with small, scattered settlements. Given its proximity to the Talbot Valley the site is considered to form part of the Central Plateau which itself is divided into two main ridges by both the Talbot Valley and Fauxquets. In the Central Plateau, tree cover extends beyond the valleys into hedgerows and roadsides, the application location is not an area that has been influenced by the expansion of town nor where the separation between settlements has been blurred by ribbon development.

Policy GP1 relates to the Landscape Character and Open Land and sets out that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land where there would be an unacceptable impact on the open landscape character of an area. In this case, given the established site boundaries, the proposal

would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

Although the proposal would alter the layout/proportions of the field, when looking at similar areas surrounding the site, they are extremely varied in terms of their size and shape. The change of use proposed would not therefore, have an unacceptable impact on field patterns or the open landscape concerned.

Biodiversity interest of an Area of Biodiversity Importance and loss of established boundary features

The proposal would not result in the removal of any boundary features (criterion d.). The application site is not located within or adjacent to an Area of Biodiversity Importance it is therefore concluded b) of Policy GP15 is not relevant in this case.

Nonetheless, it is a requirement, in line with the States' Strategy for Nature, 2020 Supplementary Planning Guidance, that 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. In this case the change of use is limited and the proposed native hedging to largely enclose this, maintaining a break for field access, would be sufficient to address the requirements of the Strategy for Nature SPG. The location of the hedge, on the outer edge of the curtilage boundary is considered reasonable in this case given the limited size of land to which the application relates.

Commercial agricultural use of an Agriculture Priority Area/Environmental impacts

The site is located in the Agriculture Priority Area and Policy GP15 seeks to retain agricultural land that could contribute positively to the commercial agricultural use of the APA. IDP paragraph 19.16.7 recognises that competition for land can occur when a residential use adjoins open land and the householder would like to incorporate some of that land within the domestic curtilage/garden of the dwelling, nonetheless there is a requirement to protect open land and agricultural land from development to ensure the open character of the areas can be maintained. There is 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".

The land forms part of an Agriculture Priority Area and aerial photographs indicate that two glasshouses were situated on the land north of L'Atelier (between 1979 and 1990). As a result the land is relatively flat thereby making it generally suitable for either arable or livestock use. Through the 2018 Habitat Survey the land is recognised as Improved Grassland (land that is intensively managed, used for grazing and silage), the survey noted that this site is of "Lower ecological value than other grasslands, fluctuation at landscape level". Feedback from the Annual Monitoring Report (2018) suggested that land farmed for dairy farming had increased by 2.2% since 2017 and this also noted that

it would be conceivable that more grain and fodder crops could be grown which means that the land requirements of the agricultural industry are likely to grow.

The area of land that is the subject of this application has been used for informal storage (e.g. boat and car parking) adjacent to the outbuilding over the years. Nonetheless, this does not preclude the area being used for agricultural purposes within the Agriculture Priority Area. The land is situated amongst other open fields, bounded by Rue Des Roquettes to the west, but with fields to the east and south offering potential links to other land within the Agriculture Priority Area to the south of Rue Des Morts. The field as a whole therefore, could contribute to the commercial function of the APA. It is also apparent from the submission that the land is used, albeit at a low level, for agricultural purposes in order to provide cattle feed and this has been able to operate despite the southwest corner (the subject of the application) generally being excluded from active agricultural use.

This land is part of a wider block of open land with a mix of Improved Grassland, Arable Land and Arable Short-Term Ley as identified in the Habitat Survey (2018). This is not a particularly small piece of land for Guernsey and the IDP acknowledges that farmers operate across a scattered pattern of generally small fields which typifies the traditional, small scale and intricate landscape. The size of the site, as part of a wider block of open land would not preclude agricultural use.

Criterion c. and paragraph 19.16.11 provide an unambiguous statement of policy without any reference to exceptional circumstances. The SLUP and IDP requirement to find a reasonable balance is provided for, in relation to APA land, by allowing APA land that can be demonstrated not to be able to contribute to commercial agriculture to change use, or where it can be demonstrated that there would be unacceptable adverse environmental impacts. In this case whilst it could be argued that there would be no significant impacts on the achievement of strategic policies (IDP 19.16.4) there would be a cumulative impact should many small areas of APA land, such as this, be converted to garden. This would then undermine the objectives of the SLUP and IDP for the most valuable agricultural land.

In view of the above, it is clear that the land could positively contribute to the commercial agricultural use of the APA and could practicably be used for commercial agriculture within the APA without unacceptable adverse environmental impacts. The scheme does not provide overriding justification for the change of use proposed that would meet the requirements of policy. The scheme does not therefore, meet the aims of GP15 c) of the Island Development Plan.

Neighbour amenity

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities. Although the submission makes reference to future plans to develop the land

this application relates only to the change of use. The Planning Service cannot predetermine any future application that might be presented for built development on the site.

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: 19/11/2024