

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 (625sqm), install hardstanding to create parking area to south of site.

LOCATION: Le Douit, Rue Du Vallet, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Ronaldson

I refer to the application referred to below received as valid on 10/12/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/02/2025

Drawing Nos: SOUP: 496_001

Application Ref: FULL/2024/2053

Property Ref: F003960000

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. Notwithstanding the information submitted with the application, it has not been demonstrated that the land could not be used for commercial agriculture. The land the subject of this application, including the access track, could be used for commercial agricultural use in conjunction with the remainder of the field and potentially adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been 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 and therefore the proposal is contrary to Policies GP15 part (c) and OC5(A).

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/2024/2053
Property Ref: F003960000
Valid date: 10/12/2024
Location: Le Douit Rue Du Vallet St. Pierre Du Bois Guernsey GY7 9EX
Proposal: Change of use of agricultural land to domestic garden (625sqm),
install hardstanding to create parking area to south of site.

Applicant: Mr & Mrs Ronaldson

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Notwithstanding the information submitted with the application, it has not been demonstrated that the land could not be used for commercial agriculture. The land the subject of this application, including the access track, could be used for commercial agricultural use in conjunction with the remainder of the field and potentially adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been 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 and therefore the proposal is contrary to Policies GP15 part (c) and OC5(A).

OFFICER'S REPORT

Site Description:

The application property comprises of a detached traditional dwelling fronting onto Rue du Vallet and associated tiered domestic garden in the south-west section of the site, the remainder of the land to the north-east comprises of an area of agricultural/undeveloped land, with substantial tree planting along and inside the north-west and north-east boundaries.

The site is located in a rural area comprising of large swathes of open and undeveloped land interspersed with tree lined valleys and isolated or small groups of dwellings along highways. The site is located Outside of the Centres and within the Agriculture Priority Area as defined by the Island Development Plan.

Relevant History:

Feb-July 2024 – PREA/2024/0240 – Pre-application advice regarding the change of use of agricultural land to domestic.

12/10/2023 – FULL/2023/1305 – Application refused for the change of use of agricultural land to domestic garden (1,724 sq.m.).

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to change the use of an area of undeveloped/agricultural land measuring approximately 625sqm to domestic land associated with the dwelling Le Douit and to install a hardstanding parking area.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Representations:

None

Consultations:

Agriculture, Countryside and Land Management Services, 19/02/2024

“We are writing in response to your letter dated 29th January regarding the application to convert agricultural land to domestic curtilage at Le Douit, St Pierre Du Bois.

We note that the area of land is not currently used for agricultural purposes, and it is our understanding that it would be unlikely to be favoured for agriculture in the future. The 2018 habitat survey¹ describes the land to be predominantly bare ground with a planted broadleaved woodland and a small area of dense scrub; aerial photography and information contained within the application suggests this is still the case. Having spoken with Farm Services in regard to the ability for land of this kind to be used for commercial agriculture, we understand that the combination of present habitats would make the land unfavourable for commercial agriculture. This is due to the amount of work that would be required to alter the land, such as the need to remove the woodland and cultivate the soil to prepare it for agricultural practises. It was also the view of Farm Services that the slope of the land would unlikely prohibit it being used for commercial agriculture from a practical perspective, but this may contribute to the disfavour for farmers to use the land.

We note the information regarding the soil quality within the application but, without a soil test, it is difficult to determine whether the quality of the soil would be prohibitive to the viability of the land for agriculture.

¹ [Habitat Report](#) (Hayward and Scopes, 2018)

The impact that commercial agriculture would have on the biodiversity on site would be dependent on the type of agriculture and the area used. We note that a baseline ecological assessment has not been undertaken and plans to use the land for agriculture may include measures to improve biodiversity beyond what we have considered here.

Assuming that the whole land area would be required to provide sufficient space for grazing or commercially viable production of hay, the removal of the broadleaved woodland “with mostly native genus and various understory, naturalised planting” and the existing large wood pile would lead to a loss of biodiversity that would unlikely be offset through the presence of agricultural activity.

With this being said, there is opportunity for the land to be regenerated, and potentially increase biodiversity on site through commercial agriculture such as the small-scale growing of crops or keeping of poultry. It may be possible, through sensitive management, to increase the area of grassland on site and use this space for agriculture without the need to remove the woodland, which would contribute positively towards the biodiversity value of the site. We note that the application to extend domestic curtilage for the provision of a parking area would reduce the area available for agriculture of this kind in perpetuity, assuming the access track to the car park would be retained. However, as this is outside of our area of expertise, we cannot comment on the impact this would have on the commercial viability of the practises.

Additionally, as this application is for a change in land use, it requires evidence of biodiversity enhancement within the area proposed for domestic curtilage as per the 2021 decision by the Authority. We note the mitigations included within the cover letter to introduce native planting and “wild meadow any open grass areas in accordance with [the] current wild meadow guidance” have not been conclusively included within the landscaping scheme which suggest the wild meadows are “potential” and the tree planting “could be implemented.” The Authority may wish to include these measures within a suitably worded condition or advisory to ensure biodiversity enhancement is achieved.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

Summary of Issues:

The main issues in deciding this application are the loss of agricultural land within an Agriculture Priority Area and the impact on the landscape character and openness of the 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).

Planning permission was refused in October 2023 to change the use of a parcel of agricultural land measuring 1,724sqm to domestic land (FULL/2023/1305). The application was refused on account that it had not been 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, and due to the unnecessary loss of undeveloped land and the impact on the landscape character of the area. This current application is for a revised scheme and proposes the change of use of a parcel of agricultural land measuring 625sqm to domestic land. In addition, it is proposed to create a parking area within the extended domestic land with access via a track across the agricultural land to the north-east.

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, no removal of the existing boundaries are proposed and the use of the land for domestic purposes is unlikely to have any significant adverse effects on neighbouring residents.

Loss of agricultural land within an Agriculture Priority Area

The Island Development Plan 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 with 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.

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.

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:

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 land forms part of an Agriculture Priority Area. The proposed change of use of agricultural land to domestic land would see the agricultural land reduce in size from 3,640sqm to 3,015sqm. The application is supported by an evaluation of agricultural land parcel report and a letter from the agent. The information submitted advises that the composition and quality of the soil is poor and consequently crop production would be exceptionally difficult. The steep angle of the field would limit the commercial agricultural equipment that could operate on the site and the range of animals which could be sustained on the land. In addition it is advised that due to the existing important and diverse habitats on the site, the use of the site for commercial agricultural purposes would adversely affect the biodiversity value of the land.

Although the application proposes the change of use of a parcel of land measuring 625sqm, due to the creation of the parking area and the siting of the access via a track across the agricultural land, the proposal would in effect result in the loss and fragmentation of a larger area of agricultural land. The comments of Agriculture, Countryside and Land Management Services is set out in full above. It is acknowledged that the clearance and use of the entire site for agricultural purposes would have unacceptable adverse environmental impacts due to the loss of existing habitats. In addition, there are some features of the site which would make it less than optimal for commercial agriculture use. For example, the slope of the land may contribute to a disfavour for farmers to use the land.

However, the slope of the land in itself would not prohibit it being used for commercial agriculture and the gradient of the field is similar to or shallower than other fields in the area which are in active agricultural use. Notwithstanding the comments about the quality of the soil, without soil tests, it is difficult to determine whether the quality of the soil would be prohibitive to the viability of the land for agricultural use, or whether measures to improve the condition of the soil would be feasible. The application site is bounded to the north-east and south-east by other agricultural land and it forms part of a large area of contiguous agricultural land within the immediate locality. In addition, Agriculture, Countryside and Land Management Services note that there is scope for the land to be used for commercial agriculture whilst increasing the biodiversity value of the site, such as the small-scale growing of crops or keeping of poultry, and there could be scope to increase the area of grassland without the need to remove the woodland.

Notwithstanding the information submitted with the application, it has not been demonstrated that the land could not be used for commercial agriculture. The land the subject of this application, including the access track, could be used for commercial agricultural use in conjunction with the remainder of the field and potentially adjoining fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. It has not been 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 and therefore the proposal is contrary to Policies GP15 part (c) and OC5(A).

Impact on the landscape character and openness of the area

The site is located within the Escarpment Upland landscape as identified in Annex V of the Island Development Plan and is within the West Coast Scarp.

The land the subject of this application forms part of a large swathe of undeveloped land and forms a transition from a wooded valley to the more open plateau to the north and east. The size of the land parcel together with its partly naturalised woodland appearance and the remainder of the land which forms a large expanse of open land is a distinctive feature in the landscape which positively contributes to the landscape character and appearance of the area.

The land is partially visible from Rue du Vallet to the west. When compared to the previously refused scheme, the proposed area of domestic land is better related to the existing built development and has significantly reduced its projection into the large swathe of undeveloped and naturalised landscape to the north-east. A physical boundary would be required along the north-east boundary of the extended domestic land to prevent domestic uses encroaching onto the undeveloped land to the north-east but as the application does not otherwise accord with policy this has not been explored further at this stage. Provided that an appropriate boundary treatment is provided between the extended domestic land and the remaining undeveloped/agricultural land, the proposed change of use is unlikely to have unacceptable detrimental impact on the landscape character of the area, in accordance with Policies GP15 and GP1.

Other Matters

The application advises that the existing planting and wood pile would be retained and sets out the potential for additional planting and the potential to create areas of wildflower meadows. However, the information regarding the additional planting and wildflower meadows is limited and noncommittal. Further information would be required to ensure that the proposal would result in biodiversity enhancements but as the application does not otherwise accord with policy this information has not been requested at this stage.

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 taken into account in the assessment of this application.

As set out above, the proposal does not accord with Policies GP15 part (c) and OC5(A) and it is recommended that the application is refused.

Date: 24/02/2025