

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 (2,618 sqm) (retrospective).

LOCATION: Bradways, Les Tranquesous, St. Saviour.

APPLICANT: Mr J Bentley

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: BHP: G4936-01-01, G4939-01-03 & 01-04

Application Ref: FULL/2024/2062

Property Ref: E003910000

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 land forms part of a large swathe of mainly open and undeveloped land which surrounds the site. By virtue of the low earth banks bordering the application site and adjoining undeveloped/agricultural land, the land is visible from the public highway, and it makes a positive contribution to the open and undeveloped landscape character of the area. The proposal would result in a significant incursion into the wider open and undeveloped landscape and would have a detrimental impact on the landscape character of the area. In addition, there are concerns that the domestication of this land would adversely affect the landscape character, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open and undeveloped land and the landscape character of the area outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies OC7, GP15 and GP1.

2. 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 could be used for commercial agricultural use in

conjunction with adjoining agricultural land in the applicant's ownership or potentially with neighbouring 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, OC5(A) and OC7.

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/2024/2062
Property Ref: E003910000
Valid date: 10/12/2024
Location: Bradways Les Tranquesous St. Saviour Guernsey GY7 9TL
Proposal: Change of use of agricultural land to domestic garden (2,618 sqm) (retrospective).
Applicant: Mr J Bentley

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The land forms part of a large swathe of mainly open and undeveloped land which surrounds the site. By virtue of the low earth banks bordering the application site and adjoining undeveloped/agricultural land, the land is visible from the public highway, and it makes a positive contribution to the open and undeveloped landscape character of the area. The proposal would result in a significant incursion into the wider open and undeveloped landscape and would have a detrimental impact on the landscape character of the area. In addition, there are concerns that the domestication of this land would adversely affect the landscape character, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open and undeveloped land and the landscape character of the area outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies OC7, GP15 and GP1.

2. 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 could be used for commercial agricultural use in conjunction with adjoining agricultural land in the applicant's ownership or potentially with neighbouring 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, OC5(A) and OC7.

OFFICER'S REPORT

Site Description:

The site consists of a two-storey detached dwelling situated on a rural lane and surrounded by agricultural land. The land to the south-east of the dwelling was formerly a horticultural site which was cleared during the 1980s and 1990s, except for a packing shed and approximately half of one of the glasshouses. Land formerly used for horticultural purposes is legally defined as agricultural land. The site is Outside of the Centres and within an Agriculture Priority Area.

Relevant History:

18/08/2023 – FULL/2022/1641 & PAP/004/2023 – A planning appeal was dismissed for the extension and alteration of the dwelling following an appeal on the basis of the non-determination of the planning application.

14/12/2017 – FULL/2017/2250 – Application refused to extend domestic curtilage and create driveway to south-east of dwelling. A planning appeal was subsequently dismissed on 13/08/2018, PAP/006/2018.

Existing Use(s):

Residential use class 1 – dwelling house and associated domestic curtilage
Agricultural use class 28 – agricultural land

Brief Description of Development:

Retrospective planning permission is requested for the change of use of a parcel of agricultural land measuring 2,618sqm to domestic land in association with the dwelling currently known as Bradways.

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 OC7: Redundant Glasshouse Sites Outside of the Centres
Policy GP1: Landscape Character and Open Land
Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of representation was received on behalf of La Société Guernesaise, main points as follows:

- Concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan permits the consideration of such applications, we seek to optimise ecological gains wherever possible.

- We have been unable to view this application during the publication period and therefore cannot determine if biodiversity measures were included or if they were adequate in relation to the scale of the proposed curtilage extension.
- La Société would be able to assist with matters relating to biodiversity measures, for example to arrange surveys and to provide recommendations of how the land could be enhanced in terms of its ecological value by native planting and ongoing maintenance.

Consultations:

States Archaeologist, 18/12/2024

"I would like to make a few comments on some archaeological matters raised by this application. Although the change of classification from agricultural land to domestic garden would not in itself directly affect any underlying archaeology, there are elements of the documentation submitted where I believe some relevant archaeological information has been overlooked.

On 12 September 2022 I commented on application FULL/2022/1641, which sought to make a number of changes to the property, including extensions to the north-east and a swimming pool. As I explained in that letter, there is a substantial Iron Age and early Roman settlement immediately south-west of Bradways, in the field on the other side of the Tranquesous lane. This was first identified from the air in 1976. Some small areas were excavated by Bob Burns in 1977, and I excavated an 8m x 8m trench in 2014.

The air photos taken in 1976 which led to the identification of this site show a number of cropmarks, representing ditches, which extend beneath the road and presumably continue to the north-east, beneath the land to the south-east of the house (and potentially beneath the house itself). The photo on the next page shows the cropmarks very well.

The extent of greenhouse cover on this 1976 image is the same as on the 1979 air photo included as Fig. 2 of the 'Statement on Property and Land Use at Bradways', prepared by Mr Bentley and submitted as part of this application. The cropmarks (arrowed) now terminate at the hedge which forms the boundary with Les Tranquesous, but the ditches that they represent must continue beneath the road and for an unknown extent beneath the house and the land on the same property. It was potential disturbance to the buried archaeological deposits here that I highlighted in my letter of 12 September 2022.

As part of the current submission, the applicant includes a GPR survey undertaken by 40SEVEN Ltd, essentially of the area beneath the three demolished greenhouses in the field closest to the house. I am unable to be sure from the report whether the surveyor had prior knowledge of possible archaeological features in the area he was surveying, but the implication is that he did not; as far as I can see there is no mention anywhere in the documentation submitted of the archaeological interest of the site. Had he known of this aspect I suspect that he might not have commented that 'You should expect data in a field this remote and non-developed to be the very neutral blue colour without any

or [sic] contain very little noise within the data'. The landscape was not undeveloped two thousand years ago, but may have had a substantial Iron Age farmstead on it.

The assumption that 'multiple GPR anomalies' represent greenhouse materials is indeed purely an assumption, and as the report notes, further work (such as trial pits) would be needed to test this. I note also that 'numerous unknown routes' detected by GPR could well indicate the presence of ditches, as shown by the nearby cropmarks. It is very difficult to make any further deductions from the GPR report as submitted, because it lacks much of the necessary detail for independent evaluation; the A3 drawing and associated key on p. 12 might reveal further information but is wholly illegible here.

In summary, while the likely presence of underlying archaeology may not have a direct bearing on the decision whether to permit the reclassification of this land from agricultural to domestic garden, I think it is worth pointing out that the GPR report is open to a very different interpretation than that provided to support the application. Should there be any development in the future on the site which does involve disturbance to the ground, rather than simply reclassification of it, then I would expect there to be considerable archaeological interest, as indeed I expressed in relation to the application in 2022".

The Office of Environmental Health and Pollution Regulation, 17/02/2025

"I have reviewed the proposed plans for the retrospective change of use from agricultural land to domestic garden at the above site and there are some issues of concern that I must raise about land contamination.

I note that it has been identified in the Planning Statement and Appendix B that anomalies were detected within the soil. It is thought that these anomalies are consistent with the burying of greenhouse materials at the site and that this may originate from waste material that has been crushed and churned into the land. In addition, I have also interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show there were once heated greenhouses at the site.

Given both the historic land use and the potential contamination detected in the soil, I am concerned that the site could be contaminated with metals, hydrocarbons, and pesticides, in addition to the potential identified glasshouse waste. Other sources of contamination could also be present.

Regarding the identified anomalies in the soil, it is recognised that if this is an inert material, it may be relatively straightforward to address. However, other sources of contamination could also be present that may require investigation. I would advise that the applicant is made aware of these risks, especially given the presence of fruit bearing trees and vines within the existing domestic greenhouse.

Whilst I note that the plans are retrospective and that the land is currently being used as a domestic garden, due to the potential land contamination, I would recommend that the following condition is attached to any consent granted for this application:

- Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;
b) photographs of the remediation works in progress;
c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition”

Informative/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>".

Summary of Issues:

The main issues in deciding this application are the impact on the landscape character and openness of the area and the loss of agricultural land within an 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 land was formerly a horticultural site which was largely cleared during the 1980s and 1990s, except for a packing shed and approximately half of one of the glasshouses. Approximately half of the existing glasshouse is derelict, the remainder of the glasshouse appears to be in the early stages of dereliction with a significant number of missing and broken panes of glass. Due to the presence of the existing glasshouse and the potential positive impact on the visual amenity and landscape quality and character of the area should the glasshouse be removed, part of the site is considered to be a redundant glasshouse site. As a result, the proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), OC7, GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance, no changes to 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.

Impact on the landscape character and openness of the area

Paragraph 19.16.3 of Policy GP15 refers to the intentions of the Strategic Land Use Plan, where it is considered that whilst the domestication of the landscape generally runs counter to the desire to preserve the local character of our landscapes, "minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island".

Paragraph 19.16.7 acknowledges 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”.

Paragraph 19.16.8 states that “the character and openness of the landscape can be affected by the introduction or intensification of ancillary fixtures and features, such as car parking, bin storage areas or boundary treatments. It can also change as a result of physical change to landscape features, such as hedges or earth banks. Care should be taken to ensure that proposals to create or extend a curtilage do not result in the removal or introduction of features that would detract from the character or distinctiveness of an area”.

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.

Paragraph 19.2.12 of Policy GP1 sets out that “care will be taken to ensure that development does not result in the unnecessary loss of open space or erosion of the character of the particular landscape of the locality concerned”. It goes on to state that “the value of the landscape and open and undeveloped land will be required to be assessed in a wider context rather than in terms of the impact development might have on an individual site. Development that affects landscape character or distinctive natural or built features will be considered in the wider context of the landscape value of a particular locality. In assessing development proposals, the Authority will balance the character of the locality concerned with the aspirations for development as set out above”.

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.”

In this case, the land the subject of this application is located within the Upland Plateau landscape as identified in Annex V of the Island Development Plan. Annex V sets out that the Upland Plateau “is characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures” and that 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”.

The land forming the subject of this application is a parcel of undeveloped/agricultural land which is largely flat and is situated to the south-east of the dwelling Bradways. The land forms part of a large swathe of mainly open and undeveloped land which surrounds the site. By virtue of the low earth banks bordering the application site and adjoining undeveloped/agricultural land, the land is visible from the public highway, with views extending across the site and across adjoining open and undeveloped/agricultural land. Evergreen hedges of a suburban nature along the south-west and south-east boundaries partially disrupt views from the public highway and detract from the openness and landscape character of the area and it is noted that the evergreen hedge along the south-west roadside boundary was in part recently planted since 2017. However, despite the presence of the evergreen hedges, the land continues to make a positive contribution to the open and undeveloped landscape character of the area and this contribution would be further enhanced should the evergreen hedges be reduced in height or die back in future to enable broader views across the open and undeveloped landscape. The proposal would result in a significant incursion into the wider open and undeveloped landscape and would have a detrimental impact on the landscape character of the area. In addition, there are concerns that the domestication of this land would adversely affect the landscape character, for example through the introduction of domestic paraphernalia. Whilst revoking exemption rights would provide a degree of control over ancillary domestic structures and buildings, ancillary domestic structures and paraphernalia associated with a domestic use of the land (such as children’s play equipment, ornamental landscaping and boundary treatment) would result in the suburbanisation of the land and would cause unacceptable harm to the openness and landscape character of the area.

The application makes reference to a previous Planning Appeal decision regarding the creation of a driveway and its impact on the landscape character of the area. However, the nature of this current application involving the change of use of a parcel of agricultural land measuring 2,618sqm and the potential impact on the landscape character is substantially different to that of the previous application to create a driveway.

In this case the site contributes to a wider area of open and undeveloped land and the requirements to ensure the protection of open and undeveloped land and the landscape character of the area outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies OC7, GP15 and GP1.

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).*

Policy OC7 notes that horticultural premises, including redundant glasshouse sites, are considered to be agricultural land, and there is a presumption that when the

horticultural use ceases the site will be cleared and returned to agricultural use. The land forms part of an Agriculture Priority Area.

The agent advises that a ground penetrating survey indicates significant soil disturbances and the presence of foreign materials inconsistent with typical agricultural land. It is interpreted that this is likely to be evidence of waste material from the demolished glasshouses being left in the soil. It is concluded that the previous use and contamination from this has significantly compromised the soil quality making the land unfit for agricultural use. In addition, it is advised that a soil specialist has observed that the ground is no longer absorbing water effectively and indicated that there are signs that previous activity on the site has resulted in a thin layer of compacted top soil over an unknown but nutrient poor layer likely to include hoggin, gravel and debris from the demolition of the glasshouses. It is also noted that the land has not been used for agricultural purposes since at least 1990.

As part of the previous application for a driveway in 2017 (FULL/2017/2250), Agriculture, Countryside and Land Management Services advised that although not classified in the 1988 ADAS agricultural land classification exercise, due to its being a vinery at the time, the soil in this area is classified Grade 2 and that in adjoining fields as Grade 1. These are the highest soil classifications and mark this area as being some of the best quality agricultural land available on the Island. Agriculture, Countryside and Land Management Services concluded that in view of the size of the field that the driveway cut across, its shape, the quality of the soil, the good access, the proximity to farmed land, and its history, there was no reason at all to support the application. This current application seeks to change the use of a parcel of agricultural land measuring 2,618sqm and would therefore result in the loss of a much larger area of agricultural land than proposed under the application for a driveway in 2017.

With regards to the ground penetrating survey, a consultation response from the States Archaeologist provides a potentially different interpretation of the results. Together with the previous comments from Agriculture, Countryside and Land Management Services about the soil classification in the area, the information submitted has not demonstrated that soil quality of the site is significantly comprised to the extent that the land is unfit for agricultural use. In addition, should there be contamination or debris in the soil, no information has been provided about whether measures to improve the condition of the soil would be feasible.

The land is largely flat with the potential for good access to adjoining agricultural land and the potential for direct access onto Les Tranquesous. The application site is surrounded by other agricultural land and it forms part of a large area of contiguous agricultural land. The land the subject of this application could be used for commercial agricultural use in conjunction with adjoining agricultural land in the applicant's ownership or potentially with neighbouring fields and its loss would represent the unacceptable loss of agricultural land within the Agriculture Priority Area. The fact that the applicant and the former owner has not utilised the land for agricultural use does not represent sufficient justification to support the change of use of the land. 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, OC5(A) and OC7.

Other Matters

The application advises that existing planting would be retained and sets out the potential for additional native hedge planting, the installation of bird and bat boxes and the potential to create an area of wildflower meadow. However, the information regarding the additional planting and wildflower meadow is limited and is concentrated on agricultural land to the south-east as opposed to being focused within the land the subject of this application. Further information would be required to ensure that the proposal would result in biodiversity enhancements of the land the subject of this application but as the application does not otherwise accord with policy this information has not been requested at this stage.

The application states that the land is currently in use for domestic purposes and therefore the application is described as being a retrospective change of use. However, other than a small formal landscaped pond inside the east boundary which was constructed between 2006 and 2009 but appears to have had little recent maintenance, there is little evidence to suggest that the land is used for domestic purposes. In any event, if the land is not currently used for agricultural purposes this would not legitimise its use for an alternative use and the land remains as being legally defined as agricultural land.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential for the land to be contaminated. To address these concerns it is recommended to undertake site investigations and if necessary remedial works, this could be dealt with by condition.

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 OC5(A), OC7, GP1 and GP15 and it is recommended that the application is refused.

Date: 25/02/2025