

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 (1,490sqm).

LOCATION: Granite Lodge, La Neuve Rue, St. Peter Port.

APPLICANT: Mr R Smith

I refer to the application referred to below received as valid on 08/01/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/03/2025

Drawing Nos: Soup Architects Ltd - 497_001 & Tree Dimensions Report

Application Ref: FULL/2025/0040

Property Ref: A20896A000

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 (APA) given its location adjacent to a field that is actively used for agriculture and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. 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).

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/2025/0040
Property Ref: A20896A000
Valid date: 08/01/2025
Location: Granite Lodge La Neuve Rue St. Peter Port Guernsey GY1 1SD
Proposal: Change of use of agricultural land to domestic garden (1,490sqm).
Applicant: Mr R Smith

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 (APA) given its location adjacent to a field that is actively used for agriculture and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. 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).

OFFICER'S REPORT

Site Description:

The property known as 'Granite Lodge' is a one and a half storey granite dwelling which is located to the north of La Neuve Rue. The site comprises a detached dwellinghouse located within the domestic curtilage to the east of the site and agricultural land to the west. The domestic curtilage and agricultural land are accessed from La Neuve Rue. There is no solid boundary separating the domestic curtilage from the agricultural land, however the junction is clearly defined by a change in material from hard surfacing to grass and a number of small bushes/plants.

The site is bounded by agricultural land to the north, west and south.

The dwellinghouse is located within a Main Centre Outer Area as defined by the Island Development Plan. The agricultural field to the west which is within the property's ownership and which forms the subject of this application is located Outside of the

Centres and within an Agriculture Priority Area (APA) as defined by the Island Development Plan.

Relevant History:

FULL/2018/3122 - Change of use of agricultural land to domestic garden. Erect log cabin/garden room, install solar panels to south facing roof slope of dwelling and to proposed log cabin/garden room – Refused August 2019.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of agricultural land to domestic garden (1,490sqm).

ACLMS were consulted and they requested some changes to the proposals, removing some of the species specified and adding more native species, see below. The application was deferred and the proposals were changed accordingly. ACLMS were consulted again and they agreed that the proposals would increase biodiversity on 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
GP15: Creation and Extension of Curtilage

Supplementary Planning Guidance
Strategy for Nature 2020

Representations:

None

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS).
05/02/2025

'We are writing in relation to the proposed change of use of agricultural land to domestic curtilage at the property Granite Lodge.'

The property is located within an Agriculture Priority Area (APA) but not within an Area of Biodiversity Importance (ABI) or a Site of Special Significance (SSS).

As of 2021, any change of use of agricultural land to domestic curtilage has required an enhancement of biodiversity. Although a baseline assessment of the site has not been undertaken, we note the recognition of this requirement within the covering letter and welcome the majority of the proposed measures within the Landscaping Report that seek to enhance biodiversity.

However, there are a few features within the Landscaping Report that we recommend are altered to ensure such biodiversity enhancement is fully achieved:

- Within the Covering Letter, there is a focus on the “introduction of native species”. We note the inclusion of Alder Buckthorn within the North bank Hedge. This is a non-native species that has been proven to become invasive, so we recommend that this is removed from the plan.*
- We also note that sloe, gorse, and holly are proposed to be planted within the Wildflower Pollinator areas. These species will outcompete the wildflowers for space and light. Therefore, we believe it would be inappropriate for these to be planted adjacent to or within the wildflower areas. We recommend that the sloe, gorse, and holly are removed from the plan or planted away from the area proposed for wildflowers to ensure “the Landscape Plan is native and pollinator friendly” and that it “maximises diversity of species and ecosystems for this amenity land”, as described in the covering letter.’*

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The previous refusal application was taken into consideration and much of the content is still relevant today. There is still no specific northern boundary which means the land connects well to the land to the north.

Policy OC5(A) states that proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Area will only be supported where it is demonstrated that the farmstead or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Plan.

Policy GP1 states that: *Proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.*

Development will be supported where it:

- a. respects the relevant landscape character type within which it is set; and,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,*
- c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,*
- d. accords with all other relevant policies of the Island Development Plan.*

Proposals for development that is considered to be significant in terms of scale, setting and appearance will normally be required to include a landscaping scheme.

Policy GP15 sets out the circumstances under which an extension of curtilage would be supported. Taking each element of that policy in turn:

a) it would not have an unacceptable detrimental impact on the landscape character

This criterion is also relevant to Policy GP1(a) and (c).

This site is located within the Central Plain landscape type, as identified in Annex V of the Island Development Plan. That landscape type is characterised by gently undulating landforms and a fairly dense wooded tract. There is some variation in character across the area but the changes are too gradual to form positive boundaries to specific sub-zones. The area adjacent to the escarpment is well drained. Therefore, as the application site is adjacent to the escarpment it is likely to be well drained.

The proposed extension of domestic curtilage would project onto the open land to the west of the dwelling. The existing roadside banks and planting at the application site and the adjacent property to the south provide a good level of screening to the land. The land is not largely visible from public vantage points.

The change of use in itself would not be likely to have a significant impact on landscape character or openness of the area.

b) it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance

The application site is not located within or adjacent to an Area of Biodiversity Importance, this criterion is not applicable in this case.

c) it is 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

Agriculture Priority Areas (APA) are identified in the Island Development Plan as large areas of contiguous agricultural land and represent the Island's most valuable

agricultural land. Policy OC5(A) does not safeguard 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. However, 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 APA will only be supported where it is demonstrated that the farmstead, building or land is no longer required or capable of being used for agricultural purposes.

In this case, the site is at the edge of an Agriculture Priority Area, bounded by agricultural land to the north, west and south. The land previously formed part of a larger agricultural field to the north which is now under separate ownership comprising c7500m² (1.85 Acres or 4.58 vergées). In itself, the parcel of agricultural land comprises an area of c1500m² (0.37 Acres or 0.92 vergee) and would comprise a useable area for agricultural purposes. An aerial photograph demonstrates that the land was used as part of the larger field in at least 1979. The land appears to have been separated by 1990.

The site forms a useful and usable part of a larger agricultural parcel. The land appears to comprise good quality agricultural land, with no significant change in levels and dividing boundary features to the north other than a small post and wire fence. The land is therefore accessible from the agricultural land to the north which is well connected to the contiguous surrounding agricultural land to the west and would not require the removal of any landscape feature such as an earth bank. The land is not reliant on the existing southern access that serves the dwelling. Furthermore, the land abuts a larger area of good quality agricultural land to the south, and west and is located within an area of the Central Plain landscape type (Annex V IDP) known for its good drainage.

No evidence has been provided to dispute the usefulness of the land for agricultural purposes other than that the land is 'landlocked' which is incorrect and that the land has not been used for active agricultural use in over 30 years which does not prevent it from being used in the future. There is no evidence to suggest that the use of the land, subject of this application, for agriculture would have adverse environmental impacts.

It has not therefore been demonstrated that the land cannot positively contribute to the commercial agricultural use of the Agriculture Priority Area. Furthermore, a change of use of good quality agricultural land, located within an Agriculture Priority Area, would set an undesirable precedent for similar development, to the detriment of the agricultural land supply in the Island considering the tightly drawn boundary of the adjacent Main Centre Outer Area.

d) it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area.

This criterion is also relevant to Policy GP1(b).

The application does not propose the removal or introduction of boundary features and is therefore considered to comply with this criterion of the Policy.

e) it would not adversely affect the reasonable amenities of neighbouring residents

The application site is surrounded by open land to the north, south and west. The only residential properties are located on the opposite side of La Neuve Rue (south) and to the east of the applicant's dwelling. A change of use is not considered to have a negative effect on the amenities of neighbouring properties.

The site forms part of a larger parcel of agricultural land, on the edge of a contiguous area of similar land, within an Agriculture Priority Area. It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of the Agriculture Priority Area and the proposal therefore fails to meet the terms of Policy GP15(c).

Furthermore, a change of use of a sizable parcel of good quality agricultural land, in such a location, would comprise an undesirable precedent for similar development, to the detriment of the agricultural land supply in the Island.

Despite complying with the Strategy for Nature, the proposals do not accord with the aims of Policies OC5(A) and GP15 of the Island Development Plan.

Therefore, the recommendation for this application is a refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 19/03/2025