

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 (805sqm) (site of a Protected Building).

LOCATION: Old Cobo Farm House, Cobo Coast Road, Castel.

APPLICANT: Mr R Anderson

I refer to the application referred to below received as valid on 27/03/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/06/2025

Drawing Nos: Naftel Associates: A241201/PD/10, PD 15

Application Ref: FULL/2025/0373

Property Ref: D014390000 + D014420000

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. In line with the 2020 Strategy for Nature, which has been adopted as Supplementary Planning Guidance, the 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 not addressed the 2020 Strategy for Nature nor included any proposals for environmental enhancement, such as a native landscaping scheme, that would be implemented on site should planning permission be granted for the change of use of the land. The proposal therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance and in turn would fail the requirements of GP15 Creation and Extension of Curtilage.

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/2025/0373
Property Ref: D014390000 + D014420000
Valid date: 27/03/2025
Location: Old Cobo Farm House Cobo Coast Road Castel Guernsey GY5 7HE
Proposal: Change of use of agricultural land to domestic garden (805sqm) (site of a Protected Building).
Applicant: Mr R Anderson

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. In line with the 2020 Strategy for Nature, which has been adopted as Supplementary Planning Guidance, the 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 not addressed the 2020 Strategy for Nature nor included any proposals for environmental enhancement, such as a native landscaping scheme, that would be implemented on site should planning permission be granted for the change of use of the land. The proposal therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance and in turn would fail the requirements of GP15 Creation and Extension of Curtilage.

OFFICER'S REPORT

Site Description:

The application site comprises a large traditional detached Guernsey granite farmhouse. A rectangular area of agricultural land lies to the west of the dwelling-house.

The property is served by a tarmac driveway which lies to the north of the agricultural land and connects the property to Cobo Coast Road.

The property is recognised as a protected building. The site lies Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None directly relevant to this proposal.

Existing Use(s):

Agriculture

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden. The area proposed covers an area of approximately 800sqm.

The application was deferred to request biodiversity improvements to the land in line with the Strategy for Nature (2020) Supplementary Planning Guidance.

Notwithstanding the deferral e-mail to the agent, no landscaping scheme has been submitted in attempt to address these concerns.

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

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP5: Protected Buildings
GP15: Creation and Extension of Curtilage

Strategy for Nature (2020) Supplementary Planning Guidance.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the loss of the agricultural land is acceptable.
- The impact of the development on the landscape character and appearance of the area.
- The impact of the development on neighbour amenity.
- Whether the proposed development would affect the setting of the special interest of the protected building.

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).**

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP1 and GP15 are considered below.

The application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The site is not in active agricultural use, nor shows signs of recent commercial agricultural use.

The application does not propose to remove any established boundary treatments.

The land in question is bounded by mature planting along the west boundary which fronts onto Cobo Coast Road. Consequently, the area of land in question is not highly visible from public vantage points. Moreover, the land to the north of the application site was granted planning permission in 2018 to change the use from agriculture to domestic curtilage (FULL/2018/0544). The land to the south of the application site features domestic curtilage which extends up to the coast road.

Overall, the area of land does not contribute to a wider area of open land when viewed at ground level, or from a spatial analysis perspective, for the purposes of Policy GP1 and GP15.

There would be no obvious requirement to restrict the exemption rights afforded to the householder to manage future development of the land when taking into account; the mature landscaping which features along the west boundary of the site, the Protected status of the dwelling which limits some exemption rights within the domestic curtilage, and together with the position of any future development on the proposed extension of curtilage which is likely to automatically require planning permission as it would be between the house and a highway (Cobo Coast Road).

The proposal would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land, and the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. The development is compliant with Policy GP1.

The proposal will have no impact on the setting of the protected building.

Whilst the principle of the development could be supported under Policy GP15, the application has not included any bio-diversity enhancement measures. The 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.

On this basis, the proposal has not addressed the requirements of 2020 Strategy for Nature, which has been adopted as Supplementary Planning Guidance which has legal weighting in determining planning applications. Consequently, the application fails to fully comply with Policy GP15 for this reason.

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 has not addressed the requirements of the 2020 Strategy for Nature Supplementary Planning Guidance and therefore does not accord with IDP Policy GP15. It is recommended that the application is refused.

Date: 29/05/2025

