

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: Variations to plans previously approved for conversion of packing shed to dwelling with associated garden and parking - Change of use of agricultural land to extend domestic garden to north and south and associated works (311.54sqm).

LOCATION: Land at, Hougues Magues Lane, St. Sampson.

APPLICANT: Mr & Mrs A Leadbeater

I refer to the application referred to below received as valid on 26/06/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 01/09/2025

Drawing Nos: The Drawing Room: 369/C1F.

Application Ref: FULL/2025/0981

Property Ref: B013340000

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 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. The proposal would therefore fail to comply with part (f) of Policy GP16(A) (Conversion of Redundant Buildings), part (a) of Policy GP15 (Creation and Extension of Curtilage) and the requirements of Policy GP1 (Landscape Character and Open Land). As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B) (Agriculture Outside of the Centres - outside the Agriculture Priority Areas).

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/2025/0981
Property Ref: B013340000
Valid date: 26/06/2025
Location: Land at Hougues Magues Lane St. Sampson Guernsey
Proposal: Variations to plans previously approved for conversion of packing shed to dwelling with associated garden and parking - Change of use of agricultural land to extend domestic garden to north and south and associated works (311.54sqm).
Applicant: Mr & Mrs A Leadbeater

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. 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. The proposal would therefore fail to comply with part (f) of Policy GP16(A) (Conversion of Redundant Buildings), part (a) of Policy GP15 (Creation and Extension of Curtilage) and the requirements of Policy GP1 (Landscape Character and Open Land). As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B) (Agriculture Outside of the Centres - outside the Agriculture Priority Areas).

OFFICER'S REPORT

Site Description:

The application site comprises a 6333sqm area of agricultural land located to the east of Hougues Magues Lane. The site access is located centrally in the west boundary, serving an area of hardcore, a small store and the packing shed which forms the subject of this application. A further small store is located to the north of the site.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

An application for the erection of a packing shed was approved in 1990. Work was lawfully commenced on the implementation of that permission.

An application to vary the previously approved plans (ref FULL/2023/0037), altering the fenestration to all elevations, was approved in retrospect 09/03/2023.

The completed building has been built in accordance with the plans approved in 1990, with the exception of the doors and windows, which have been completed in accordance with the 2023 approved plans. Building Control issued a completion certificate 07/03/2023, confirming that the building works had been inspected and, as far as could be ascertained from a visual inspection, the requirements of the Building Regulations had been satisfied.

A subsequent application (ref FULL/2023/0994) for conversion of the completed packing shed into a dwelling with associated landscaping and parking was refused 18/08/2023 for the following reasons:

- 1. The facilities provided by the building remain useful in association with the use of the land. The building has recently been constructed and is clearly capable of being used for its authorised purpose. It has therefore not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).*
- 2. The creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape. The proposal would therefore fail to comply with part (f) of Policy GP16(A), part (a) of Policy GP15 and the requirements of Policy GP1. As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B).*
- 3. There is insufficient information to properly assess the proposal in respect of the creation of a new access in the south-west boundary, and it is not therefore demonstrated that the creation of a new access would meet the requirements of Policies GP1, parts a), b) or c) of GP8 or part b) of GP9.*

This decision was appealed under PAP/011/2023. The Tribunal allowed the appeal insofar as it related to the construction of a new vehicular access, subject to the conditions set out below, but dismissed it in relation to all other development, including the conversion of the existing building into a dwelling and the creation of a related curtilage.

- 1. All development authorised by this decision must be carried out and must be completed in every detail in accordance with the written application and the plans submitted with it, insofar as applicable to the development hereby permitted. No variations to such development amounting to development may be made without the permission of the Authority under the Law.*
- 2. All development hereby permitted shall be begun within 3 years from the date of grant of this permission.*
- 3. Prior to commencement of the development hereby permitted, full details of the new access to be formed in the west site boundary to serve the agricultural land to the south of the existing main access to the site shall be submitted to and agreed in*

writing by the Authority. The new access shall be formed in accordance with the approved details and may thereafter be used to serve the agricultural land only.

Permission was subsequently granted in respect of a revised application 05/03/2025, under reference FULL/2024/1326, for conversion of the packing shed to a dwelling with associated garden and parking, subject to conditions relating to:

4. Land contamination;
5. Provision of landscaping scheme;
6. Completion of boundary earthbanks prior to occupation;
7. Formation of field access to agricultural land to south;
8. Formation of field access to agricultural land to north;
9. Completion of landscaping scheme prior to occupation;
10. Details of cladding;
11. Details and implementation of EV charge points;
12. Implementation of cycle storage prior to occupation;
13. Removal of exemption rights for fences, walls and hard surfacing.

These conditions have not been discharged at the time of writing.

A pre-application enquiry was made in May 2025 regarding potential extension of the domestic curtilage to the north, of the size indicated under this application. No reference was made to an extension to the south. The relevant policies were provided and an application invited for formal consideration.

A Building Control licence for the conversion of the packing shed to a dwelling was issued 20/05/2025, subject to conditions requiring further details of various elements of the building. No inspections have been requested in respect of this licence and no details have been submitted to discharge the conditions.

Existing Use(s):

Agricultural Use Class 28 – The permission granted under FULL/2024/1326 has not yet been implemented.

Brief Description of Development:

As submitted, the application proposes “extension of domestic curtilage” and the covering letter states “our client seeks to formally extend the domestic curtilage associated with their residential property”.

As set out above, there is an extant permission for conversion of the packing shed at this site to form a dwellinghouse with associated garden. There is no evidence that any works have been undertaken or information submitted to discharge either the conditions of that permission or the conditions attached to the Building Licence, or to otherwise implement the permission or licence. The approved residential use is not therefore considered implemented.

The only option to consider an extension of domestic curtilage as proposed would therefore be as a variation to the extant permission and the application description has consequently been amended to tie the proposal to that permission, varying the previous approval to convert the packing shed and form associated garden, proposing a change of use of additional agricultural land to domestic garden to the north and south of the approved curtilage (cumulatively totalling 311.54sqm).

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

OC5(B)	Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of redundant buildings

Supplementary Planning Guidance:
Strategy for Nature

Representations:

Three letters of representation, including one from a Deputy have been received making the following points:

- Disappointed regarding the further development of this agricultural land and concerns regarding potential further future development;
- Loss of further biodiversity and agricultural land;
- If necessary to approve, additional environmental initiatives over more land should be required, eg species-rich meadows or native hedging along the northern boundary.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for the change of use of agricultural land to domestic garden at the above site.

I note that I have previously commented on the proposal to convert a packing shed to a dwelling at the above site under reference FULL/2024/1326. My previous response raised concerns in relation to land contamination due to the historic presence of heated greenhouses at the site. As the potential for land contamination has not yet been addressed as part of the planning consent for the site under FULL/2024/1326, I would recommend that the same condition is attached to any consent granted for this application:

Potential Land Contamination:

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.

Informatives/Advice Notes

With reference to condition **XX** 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:

Impacts on landscape character and open land;
Provision of biodiversity enhancements.

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 framework

As described above, the proposal falls to be considered as a variation to the previously approved application for conversion of a packing shed and must therefore remain compliant with Policy GP16(A). In particular, in relation to this application, criterion f. of that policy requires that any ancillary development associated with the conversion can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape.

When considering a change of use of agricultural land for domestic purposes, Policies OC5(B), GP1 and GP15 are also relevant, as set out above.

Policy OC5(B) relates to agricultural land Outside of the Centres, where that land is not designated as within an Agriculture Priority Area. The pre-facing text to the policy states that, in accordance with the Strategic Land Use Plan, a balance must be made between supporting the agricultural industry and its future needs and ensuring that an adequate amount of land is available to meet other legitimate development requirements. Policy OC5(B) therefore supports the loss of agricultural land and buildings outside of the Agriculture Priority Areas where the proposed new use accords with the other relevant policies of the Plan.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character; and,
- b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,
- 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; and,
- 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; and,
- e. it would not adversely affect the reasonable amenities of neighbouring residents.

In this case, the site is not located within or immediately adjacent to an Agriculture Priority Area or an Area of Biodiversity Importance and criteria b. and c. would not be relevant.

Policy GP1 requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area.

Impacts on landscape character and open land

When initially proposing the change of use of the packing shed to residential under FULL/2023/0994, the application included a c1400m² domestic curtilage, extending away from the building to the roadside and c30m across the road frontage. That application was refused for three reasons, the second being that the creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape (reproduced under Relevant Planning History above). The refusal report for that application noted that the proposed curtilage would have an unacceptable visual impact and would represent an unnecessary incursion into open land, fragmenting that land when viewed from the adjacent road and dividing the agricultural use.

That decision was appealed and, in considering the proposed curtilage, the Appeals Tribunal upheld the position of the Authority. In their decision notice, the tribunal found that the degree of harm resulting from the creation of that curtilage, by reason of suburbanisation and domestication of land, would be significant and there would be an unacceptable adverse impact on the character and openness of the landscape, together with the unnecessary loss of open and undeveloped land.

In considering landscape character, reference was made in both the application report and the appeal decision to Annex V of the Island Development Plan, which sets out landscape character types. It was however concluded that those types were not particularly helpful in respect of the application site and an on site assessment was undertaken to inform both the application report and the appeal decision. In determining character, the appeal decision made the following comments: *The character of the immediate locality is semi-rural, combining groups of buildings and individual scattered houses within a partly undeveloped setting, including the site, which is fully open to view from Hougues Magues Lane. Indeed it is this openness which is its principal characteristic. In contrast, only a short way to the north, is a dense cluster of development. Partial views of some larger buildings are obtainable at a distance, and some floodlights, but they do not dominate the locality visually.*

In determining the impacts of the proposal, the decision goes on to state: *IDP Paragraph 19.16.4 states that a balance needs to be struck between the public interest and personal choice, so to achieve consistency with the SLUP, the IDP will apply a reasonable and proportionate level of control when considering proposals for the creation or extension of curtilages that respects the exercise of private choice in matters where there are no significant impacts on the achievement of the strategic policies.* In considering conversion of redundant buildings, it is further accepted within the IDP (paragraph 19.17.9) that a building to be converted may require the provision of curtilage. The decision goes on to state: *Paragraph 19.2.12, which supports Policy GP1 Landscape Character and Open Land says that care will be taken to ensure that development does not result in the unnecessary loss of open space or the erosion of the character of the particular landscape of the locality concerned. It adds 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, adding that, in assessing development proposals, the Authority will balance the character of the locality concerned with the aspirations for development. In the tribunal's opinion, the maintenance of largely open areas of land such as the appeal site make a valuable contribution to the character and quality of their surroundings. In this, the character of the local area may be contrasted with the more heavily developed areas, such as that located a short distance to the north.*

In considering the subsequent application for change of use of the building (FULL/2024/1326), the Authority took the above into account, balancing the reasonable requirement of providing a curtilage against the likely impacts on openness and landscape character. That application proposed a reduced curtilage of c880m², set back from the roadside and extending 25m across the site. The proposed curtilage was closely aligned to the existing driveway and built form along the north boundary, without significant incursion into the open land to the north and forming a clear division between that land and the domestic land, and projected only 12m beyond the existing built form to the south. Whilst inevitably comprising an incursion into open land, it was found, on balance, that the proposed curtilage comprised a reasonable and proportionate area which would support the reuse of a redundant building, whilst mitigating impacts on the character of the area where possible.

The current application seeks to extend the approved curtilage, by 5m to the north and 8m to the south. The extension to the north appears to be to allow for an amended design of parking area, although no explanation is provided to demonstrate that parking could not be provided within the approved curtilage. No justification has been provided for the extension to the south, which appears to simply provide additional garden area.

As set out above, the openness of the application site and its consequent contribution to the character of the wider area have previously been found to be of importance, and there has been no change within the area which would alter that assessment. The current proposal, whilst remaining set back from the roadside and potentially screened by proposed planting along both the roadside and curtilage boundaries, would represent a further and unjustified incursion into the open land, beyond that which has previously been found to be a reasonable requirement to support conversion, and would have an adverse impact on the character and openness of the landscape.

Impacts on established boundary features

The proposals would not impact on any features located along the site boundaries.

As part of the previous approval, a c8.5m section of existing earthbank located to the south of the access drive was authorised for removal. The proposed extension of the approved curtilage further to the south would not require any further removal of established features.

The proposed extension to the north would result in the removal of a c13.5m section of earthbank. This bank is however of recent construction, with no evidence of planning consent, and is therefore unlikely to have accrued the same biodiversity value as a historic bank. Furthermore the bank is of low profile, set back on the site, and does not make a significant contribution to landscape character. Any impacts arising from the removal of the bank would be adequately offset by the new bank and hedge proposed to be formed/planted around the perimeter of the extended curtilage.

Impacts on the amenities of neighbouring residents

The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

Provision of biodiversity enhancements

In addition to the requirements of the above policies, there is an expectation under the Strategy for Nature to seek biodiversity enhancements when considering a change of use of land.

The site is identified as Improved Grassland on the 2018 Habitat Survey, and of lower ecological value than other grasslands. Whilst there is tree planting on the adjacent land to the east of the site which could be considered a habitat of conservation

importance, that area would not be impacted upon by the proposed change of use and there is little habitat of importance at the application site.

The approved application included the planting of native hedging along the roadside boundary to the south of the proposed curtilage, extending along the new earthbanks to either side of that curtilage, and the planting of native and fruit trees, and this was considered sufficient to meet the requirements of the Strategy for Nature.

Additional to the enhancements previously proposed, the current application proposes a “pollinator friendly area” (c40m²) in the south-east corner of the extended curtilage and bird and bat boxes to the north gable wall of the building. No details are however provided to demonstrate the contribution the pollinator area might make or how it would be managed. It is also noted that bat boxes should generally be placed on an elevation of the building which benefits from direct sun for at least part of the day. On balance, given the limited extent of the pollinator area, the lack of details relating to that area and the limitations of the proposed positioning of the bat box, it is not considered that the proposals provide a proportionate enhancement in terms of biodiversity.

Advertisement of the application

The application was advertised as *“Change of use of agricultural land to domestic garden to east and west of site and associated works (311.54sqm).”* As described above, it has been necessary to amend this description to a variation to the previously approved works. In addition it is noted that the compass points cited in the original description were not accurate and should read north and south. The description however set out the principle of the development and, given the recommendation for refusal, it is not considered necessary to re-advertise the application in this case.

Conclusion

In light of the above, it is concluded that 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. The proposal would therefore fail to comply with part (f) of Policy GP16(A), part (a) of Policy GP15 and the requirements of Policy GP1. As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B). It is consequently recommended that the application be refused.

Date: 29/08/2025

