

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 (3,900sqm) and associated works. Erect single storey vinehouse to north-west elevation, install vehicle/pedestrian gate to north-west of field boundary. Erect single storey outbuilding/tractor store and glasshouse to south-west of property, install hardstanding and create additional vehicle access to east boundary.

LOCATION: La Marette, Rue Des Marettes, St. Martin.

APPLICANT: Mr & Mrs M Roberts

I refer to the application referred to below received as valid on 23/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/09/2025

Drawing Nos: Direct Architectural Solutions Ltd: 1452-SK-20A, 21A, 22A, 23A, Greenhouses Direct Elevation Drawing & Rhino Premium Greenhouses Specification

Application Ref: FULL/2025/1060

Property Ref: J008840000+J008830000

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 given its location adjacent to fields that are actively used for agriculture and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. The scheme therefore fails to accord with the aims of Policies OC5(A) & GP15(c) of the Island Development Plan.

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/2025/1060
Property Ref: J008840000+J008830000
Valid date: 23/07/2025
Location: La Marette Rue Des Marettes St. Martin Guernsey GY4 6JQ
Proposal: Change of use of agricultural land to domestic garden (3,900sqm) and associated works. Erect single storey vinehouse to north-west elevation, install vehicle/pedestrian gate to north-west of field boundary. Erect single storey outbuilding/tractor store and glasshouse to south-west of property, install hardstanding and create additional vehicle access to east boundary.
Applicant: Mr & Mrs M Roberts

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 given its location adjacent to fields that are actively used for agriculture and its siting amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. The scheme therefore fails to accord with the aims of Policies OC5(A) & GP15(c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'La Marette' is a large detached two and a half storey dwelling, the main part of the dwelling was built in the early 20th century and it was re-modelled and extended at the turn of the 21st century. The building is set back from and faces northeast onto Rue des Marettes and is situated within a large site. There is one neighbour to the north across the road. Other than the neighbour the property is surrounded by agricultural land and all are within the Agriculture Priority Area. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2024/0682 – Erect extension at 1st floor level, erect captain's dormer window and terrace area at 2nd floor level to southwest (rear) elevation – Approved May 2024.

FULL/2024/0516 – Raise roof ridge height to create additional accommodation at 1st floor level with balcony and external steps to Southeast elevation to detached outbuilding/garage – Approved April 2024.

FULL/2023/1009 – Erect extension at 1st floor level to southwest rear elevation – Approved August 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to erect a single storey lean-to vine-house to the northwest elevation of the main dwelling, change of use of agricultural land to domestic garden (3,900sqm), create a new domestic vehicular opening with hardstanding around the opening, and erect a large outbuilding/tractor shed and a further greenhouse.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

IP9: Highway Safety, Accessibility and Capacity.

The Strategy for Nature, 2020.

Representations:

There have been three letters of representation received and the issues are:

- Objections to loss of agricultural land, taken for the purpose of expanding an already large private garden.
- Losing such a large area of open agricultural land (3,900sqm) would be contrary to the requirement of protecting land from development under the Strategic Land Use Plan and IDP Policy 15: Creation and Extension of Curtilage. The loss of such a large area does not meet the 'reasonable balance' that is required under paragraph 19.16.4 (pages 188-189 of the IDP).
- Such a large area would be excessive to the needs of one household.
- The highly sensitive location in close proximity to the 'Cliffs' Site of Special Significance (SSS), it's visibility across the wider landscape and within an Agriculture Priority Area, means there is potential to cause various environmental impacts on wildlife in the vicinity. It is recommended that they are subject to a full environmental appraisal to identify associated impacts and to ensure appropriate mitigation (or offsetting) is undertaken.

Consultations:

Agriculture, Countryside and Land Management Services.

'The area proposed for change of use is designated Agriculture Priority Area (APA) and is of a suitable size, quality and situation (within a continuous block of agricultural land) to be of high value for agricultural purposes. It appears (on aerial photographs) that the land has been actively farmed until at least 2022. The proposal therefore does not accord with policy GP15 as it has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practicably be used for commercial agriculture within an APA. We would also like to make reference to the Agricultural Land classification map (ADAS, 1988) which has designated the soils in this area of Guernsey as 3a, 'Good'.'

The Office of Environmental Health & Pollution Regulation have no objection.

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.

At present this is a large dwelling within a large domestic curtilage which has two existing entrances onto Rue des Marettes. The property is surrounded by 'good' agricultural land as designated in the Agricultural Land Classification Map.

Rue des Marettes is designated as a neighbourhood road requiring sightlines of 20m.

The two agricultural fields shown to be within the ownership of La Marette to the north and south west, have been used for commercial agriculture up until at least 2022, and could still be utilised for agriculture with good access and good connectivity to all the other adjacent fields.

La Societe Guernesiaise commented 'The site is in a highly sensitive location as it is in close proximity to the 'Cliffs' Site of Special Significance (SSS) and is visible across the wider landscape. It is also within an Agriculture Priority Area (APA). The proposed works therefore have the potential to cause various environmental impacts on wildlife in the vicinity.' Including, but not limited to light pollution, totally altering the biodiversity on the site, and domesticating the existing rural field entrance.

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 Cliffs landscape type, as identified in Annex V of the Island Development Plan. The Cliff Tops are the areas immediately backing the crest of the cliffs. This sub-zone roughly covers the first 300 metres of the Upland Plateau's southern edge. This area drains south while most of the remainder of the Plateau drains to the north and west. The topland is generally flat, open pasture, divided by low earth banks and occasional fortifications and contrasting strongly with the vertical cliffs below. Therefore, as the application site is north of the domestic curtilage it is likely to be well drained.

The proposed extension of domestic curtilage would project on to the open land to the northwest of the dwelling. The existing roadside banks and planting at the application site provide a level of screening to the land, but the overall landscape character is one of rural open fields. The change of use in itself would not be likely to have a significant impact on the landscape character and 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.

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 surrounded by an Agriculture Priority Area, bounded by agricultural land to the northwest, west and south and across the road to the east. The land has previously been used as an agricultural field up until at least 2022, as seen in all of the aerial photos. The size of the land is 3,900 square metres which is considered a suitable useable area for agricultural purposes.

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 has good access to all of the adjacent agricultural fields. The land is therefore accessible and well connected to the contiguous surrounding agricultural land and would not require the removal of any landscape features. Furthermore, the land abuts a larger area of good quality agricultural land to the northwest, west and south and is located within an area of the Cliff 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 'low-grade agricultural land which has only been used for the storage of silage (cow fodder) under black polythene'. The supporting statement also said that a local farmer has said the area of land is not of a size that would be commercially viable to be used for agricultural usage, however, it could very easily be used for animal grazing, which is also an agricultural use. 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.

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.

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

The application site is surrounded by open land to the northwest, west and south. A residential property is located on the opposite side of La Marette to the north. The change of use is not considered to have a negative effect on the amenities of neighbouring properties.

Conclusion

The site forms part of a larger parcel of agricultural land, on the edge of a contiguous area of similar agricultural 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 set an undesirable precedent for similar development, to the detriment of the agricultural land supply in the Island.

The proposals therefore, do not accord with the aims of Policies OC5(A) and GP15 of the Island Development Plan and the application is recommended for refusal.

The proposed tractor shed, greenhouse and domestic vehicle access have not been assessed as they are sited on the proposed extended curtilage, and as the extension of curtilage is not supported, the construction of domestic style structures and a domestic vehicle access which further impinges and dissects the current agricultural land parcel would not be acceptable in this location.

It is likely that the proposed vine house could be supported should a separate application for this element be submitted.

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 taken into account 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: 15/09/2025