

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 (353sqm)

LOCATION: Belle Vaeue (formerly Courtil de Paul), Rue Du Lorier, St. Pierre Du Bois.

APPLICANT: I Partridge & N Moss

I refer to the application referred to below received as valid on 18/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/09/2025

Drawing Nos: Block Plan & Site Location Plan (both date stamped received 30th June 2025).

Application Ref: FULL/2025/1088

Property Ref: F002340000

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 subject of this application is within an Agriculture Priority Area (APA) where the loss of existing agricultural land will only be supported where it is satisfactorily demonstrated that the land cannot contribute positively to the commercial agricultural use of the APA, or cannot practicably be used for commercial agriculture within the APA without unacceptable adverse environmental impacts. The proposed change of use of agricultural land to enlarge the domestic curtilage associated with the property known as Belle Vaeue (formerly Courtil de Paul) has not been justified in this case. The proposal, if permitted, would result in the unacceptable loss of agricultural land within the APA and would not, therefore, meet the requirements of Policies GP15 (c) or OC5(A) of the adopted Island Development Plan.

2. The land the subject of this application forms part of a large swathe of open and undeveloped land which extends to the north and east and is visible from the public highway (Rue Du Lorier). The proposal would result in an incursion into open and undeveloped land to the detriment of the wider open landscape and visual amenity. In addition, there are concerns that the domestication of this land would adversely

affect the landscape character and openness of the area, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies GP15(a) and GP1.

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/2025/1088
Property Ref: F002340000
Valid date: 18/07/2025
Location: Belle Vaeue (formerly Courtil de Paul) Rue Du Lorier St. Pierre
Du Bois Guernsey GY7 9JU
Proposal: Change of use of argicultural land to domestic garden (353sqm)
Applicant: I Partridge & N Moss

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The land subject of this application is within an Agriculture Priority Area (APA) where the loss of existing agricultural land will only be supported where it is satisfactorily demonstrated that the land cannot contribute positively to the commercial agricultural use of the APA, or cannot practicably be used for commercial agriculture within the APA without unacceptable adverse environmental impacts. The proposed change of use of agricultural land to enlarge the domestic curtilage associated with the property known as Belle Vaeue (formerly Courtil de Paul) has not been justified in this case. The proposal, if permitted, would result in the unacceptable loss of agricultural land within the APA and would not, therefore, meet the requirements of Policies GP15 (c) or OC5(A) of the adopted Island Development Plan.
 2. The land the subject of this application forms part of a large swathe of open and undeveloped land which extends to the north and east and is visible from the public highway (Rue Du Lorier). The proposal would result in an incursion into open and undeveloped land to the detriment of the wider open landscape and visual amenity. In addition, there are concerns that the domestication of this land would adversely affect the landscape character and openness of the area, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies GP15(a) and GP1.
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OFFICER'S REPORT

Site Description:

The application site consists of a detached bungalow located to the north of Rue Du Lorier. The property adjoins a large area of agricultural land to the east of the dwelling. The domestic curtilage is defined by a row of conifer trees located to the east of the

dwelling which demarcates between the recognised domestic curtilage and agricultural land.

The property is located Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2025/0829	Erect single storey extension with terrace at first floor level to north (rear) elevation.	Granted
FULL/2025/0758	Erect outbuilding to north boundary.	Granted
FULL/2013/0586	Demolish existing lean-to extension and outbuilding and erect new single storey extension on north elevation	Granted
FULL/2011/1008	Demolish existing dwelling and outbuildings and erect replacement dwelling	Granted

Existing Use(s):

Agriculture

Brief Description of Development:

Planning permission is sought for a change of use of agricultural land to domestic garden. The area in question measures approximately 353sqm as set out in the application form. The proposed extension of curtilage encompasses the entire depth of the application site (north-to-south boundary), and extends eastwards by 6m, taken from the line of the east boundary of the recognised domestic curtilage on which stand conifer trees.

The application has been accompanied by an Environmental Statement. The Statement is broken down into the following headings; biodiversity enhancement, soil health and groundwater recharge, ecological connectivity, low-impact land management, low/no chemical. No proposals for biodiversity enhancements have been included on the drawings submitted.

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 GP1: Landscape Character and Open Land.

Policy GP15: Creation and Extension of Curtilage.

Strategy for Nature (2020) Supplementary Planning Guidance.

Representations:

None.

Consultations:

The Office for Environmental Health and Pollution Regulation's comments:

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

There is potential for contamination on this land due to its former use as a growing site and the historic presence of several glasshouses. Should the applicant intend to grow consumables on this land, I recommend that they consider the potential for contamination and the associated risks.

In addition, I would also recommend that the following discovery strategy condition is attached to any consent granted for this application:

- If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.*

I would be grateful if these issues are considered during the determination of this application."

Summary of Issues:

The key issues in this case relate to the loss of agricultural land within the Agriculture Priority Area, and the impact of the change of use of land on the landscape character and openness of the 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).**

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The proposal to change the use of the land to a domestic use fall to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

The loss of agricultural land within the Agriculture Priority Area:

The IDP 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 (APA).

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 (Policy OC5A).

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.

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 Authority has published non-exhaustive guidance on matters that 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).*

The land is subject to a gentle gradient, falling in a west-to-east direction, with a suitable access to the south of the field. The site once housed glasshouses in the mid-twentieth century, all of which were cleared by 1996, based on orthophotographs.

The field represents a large area of agricultural land and forms part of a contiguous area of agricultural land to the north and east of the site, also within the APA and therefore is considered capable of positively contributing to the commercial function of the APA.

Trees and shrubs located to the west of the agricultural field, immediately adjacent to the recognised domestic curtilage, would not prevent the commercial use of the field, particularly if the field were to be used for grazing purposes.

Decreasing the area of agricultural land by approximately 353sqm would, if approved, reduce the capability of the remaining area of agricultural land from being used for commercial purposes and would also set a damaging precedent for further loss of land from agriculture within the APA.

The information submitted does not demonstrate 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 does not meet the aims of Policies GP15 c. and OC5(A).

The impact of the change of use of land on the landscape character and openness of the area.

The land the subject of this application is located within a Plateau landscape character as identified in Annex V of the Island Development Plan. The Plateau (Uplands Landscape) is divided into the Western Plateau, Central Plateau and South Eastern Plateau. This site forms part of the Western Plateau. It is stated that:

“The Western Plateau is generally less affected by mid-to-late twentieth century development. The landscape consists of a series of broad erosion platforms stepping gradually down to the west and is much dissected by the deeply cut valleys. Open fields, divided by low earth banks, are interspersed with established farmsteads surrounded by mature trees. The open farmland on higher ground provides views out to the Western Bays and across the sub-zones from one church spire to the next.”

The fields in the locality are varied in their layout but frequently enclosed or divided by earthbanks and/or hedges.

The land which forms the subject of this application is agricultural land which is bounded along Rue Du Lorier by a low stone wall. This allows uninterrupted views towards the rear of the site and across the valley to the east. The site is bounded by soft landscaping comprising a mix of trees and hedges along the west and north boundaries, which are also visible from the road.

No proposed boundary treatment between the proposed extension of curtilage and the agricultural field is shown on the proposed drawings.

Encroaching into the agricultural field in the manner proposed would alter the landscape character of the area, particularly where there is little or no tree cover to the west of the field and therefore would result in suburbanising the countryside.

The domestication of this land would adversely affect the landscape character and openness of the area, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies GP15(a) and GP1.

The proposed extension of curtilage forms part of a large swathe of open and undeveloped land and is visible from the public highway. The proposal would result in an encroachment into open and undeveloped land to the detriment of the wider open landscape and the landscape character of the area.

Overall, the scheme does not comply with Policies OC5(A), GP1 and GP15 and is therefore recommended for refusal.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 19/09/2025

