

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: Demolish existing dwelling and outbuildings, erect replacement dwelling, garage and associated works (Revised Scheme).

LOCATION: Moulin Huet de Haut, La Rue Gros Jehan, La Rue Des Clotures, St. Martin.

APPLICANT: Moulin Huet Properties Ltd

I refer to the application referred to below received as valid on 19/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 16/10/2025

Drawing Nos: Dualchas: 994/010, 994/100, 994/101, 994/102, 994/200, 994/205, 994/206

Harris Bugg Studio: 23-259-200 Rev D

Application Ref: FULL/2025/1328

Property Ref: J013300000

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 layout of the building and site and its associated amenity space, including a lap pool in the location proposed, would prevent access to the agricultural land to the southeast of the site which forms part of the Agriculture Priority Area. This site arrangement, without alternative access arrangements proposed, would prejudice access to and the use of the agricultural land which would otherwise contribute positively to the commercial agricultural use of the APA. The scheme is therefore contrary to Policy OC5(A) and GP8 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/2025/1328
Property Ref: J013300000
Valid date: 19/09/2025
Location: Moulin Huet de Haut La Rue Gros Jehan La Rue Des Clotures St. Martin Guernsey GY4 6EW
Proposal: Demolish existing dwelling and outbuildings, erect replacement dwelling, garage and associated works (Revised Scheme).
Applicant: Moulin Huet Properties Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed layout of the building and site and its associated amenity space, including a lap pool in the location proposed, would prevent access to the agricultural land to the southeast of the site which forms part of the Agriculture Priority Area. This site arrangement, without alternative access arrangements proposed, would prejudice access to and the use of the agricultural land which would otherwise contribute positively to the commercial agricultural use of the APA. The scheme is therefore contrary to Policy OC5(A) and GP8 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site is situated to the southeast of La Rue Gros Jean close to the junction with La Rue Des Clotures. Vehicular access is shared with the neighbouring residential property, currently known as Driftwood Cottage. Moulin Huet De Haut is set back in its plot with mature gardens separating the dwelling from its neighbour. The bungalow has a gable facing northeast and hipped roof to the southeast and is constructed tight to the eastern boundary. Vehicular access serving the dwelling and associated agricultural land runs along the west boundary.

The definition of curtilage/garden of the dwelling was confirmed by the Authority in 2019. It relates to the land to the northwest of the dwelling, the dwelling and land to its west along with an area of garden to the southeast extending as far as the detached outbuilding/shed. Land beyond this is currently recognised as open and undeveloped agricultural land.

The dwelling is relatively isolated with very little in the way of other residential development close by. Land to the north of La Rue Gros Jean along with land

immediately surrounding Moulin Huet De Haut is all open and undeveloped agricultural land (west, south and east).

The site is located Outside of the Centres and within the Agriculture Priority Area (APA) as designated in the Island Development Plan. The site lies within the Cliffs (Cliff Tops) Landscape Character area as set out in Annex V of the Island Development Plan.

Relevant History:

CLU/2023/1514 - Regularise use of agricultural land (Use Class 28) to domestic garden (Residential Use Class 1) (1,000sqm) – refused.

FULL/2024/0666 - Change of use of agricultural land to domestic garden (1,260 sqm), demolish dwelling and outbuilding and erect replacement dwelling, garage and associated works – refused on the grounds that the change of use of land proposed, within the APA would result in the unacceptable loss of agricultural land which would prejudice the wider APA contrary to GP15 c) and OC5(A).

Post decision and pre-application advice was sought in this case.

FULL/2025/0116 - Change of use of agricultural land to domestic garden (305sqm), demolish dwelling and outbuilding and erect replacement dwelling, garage and associated works (Revised Scheme) – refused on the grounds that the change of use of land proposed, within the APA, would result in the acceptable loss of agricultural land which would prejudice the wider APA contrary to GP15c) and OC5(A).

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing bungalow and associated outbuildings and the erection of a detached, largely single-storey dwelling on the site. An area of existing garden to the northeast of the site would be utilised for parking/turning with a bin store. A courtyard would be provided between the detached garage and main entrance for the property with two further courtyard gardens proposed between other elements of the building (west and south courtyards).

On the ground floor the development would comprise a detached double garage and store, an open plan kitchen/dining room, separate TV room, a living room, two ensuite bedrooms, separate WC, pantry, utility and plant room whilst the master suite and study area would be accommodated at first floor level.

The application has been accompanied by a Design Statement including matters relating to sustainable development (pg. 15) plus separate Landscape Proposals incorporating information regarding biodiversity. The application also incorporates a Site Waste Management Plan.

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

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been received, commenting on the application and raising the following points:

- The dwelling is not in keeping with the traditional character of the surrounding rural area
- Another modern, black structure amongst the trees and hedgerow will appear incongruous
- The building will further erode the distinctive charm of St Martin
- The single-storey elements of the building that will be screened do not generate an objection but the proposed height means that the building will be visible and have significant impacts on the visual harmony of the area – it will have a negative impact on long distance views
- Planning should require all existing boundary hedgerows to be retained as they provide an important wildlife habitat and play a vital role in maintaining the natural look and feel of the landscape
- The site is set in an area of ancient strip fields enclosed by traditional earth banks which are of historic importance and will have a botanical value developed over hundreds of years
- Planting of native shrubs is proposed but Evergreen Oak, listed, is not native and would alter the landscape
- The banks should be surveyed by an expert if the proposal is considered further
- There is a lack of access to the retained field and an access from an adjoining field would result in the loss of habitat
- The site is close to a SSS

La Societe Guernesiaise commented on the previous proposals:

Highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that consideration be given to limiting the increased light pollution which may arise from this development within the rural landscape. Associated light pollution would extend over a large area of mostly agricultural land and adjoining

wooded valley escarpments frequented by bats and other sensitive wildlife such as foraging owls.

We would also point out that Holm/Evergreen Oak (Quercus ilex) is not a native species to Guernsey (or Britain). It is a Mediterranean/Continental tree with very little associated wildlife value when planted locally. Further, it has a tendency to become quite invasive and as such, should not be planted in close proximity to SSS- or ABI-designated sites.

In connection with the previous application La Societe also drew attention to the use of the building by roosting bats given that there are bat populations in this part of the Island. An inspection, by an appropriately qualified person, for current or recent use by bats prior to building works was recommended.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of erecting a replacement dwelling on the site, the effect of the development on the APA and future use of agricultural land, the design and appearance of the proposed dwelling and its impact on the open landscape concerned and on residential amenity.

Assessment against:

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.

Agricultural land within the Agriculture Priority Area

This land has been considered through previous applications for the site (see relevant history). The IDP seeks to protect Guernsey's best agricultural land (Policy OC5(A)).

Although the current access arrangements to agricultural land is via domestic land this is not uncommon in Guernsey. The application does not relate to the change of use of agricultural land to domestic garden however, the layout of the site, including a lap pool in the area of the existing access to the agricultural land associated with this dwelling, would prevent future access to that land. No specific provision is made within the application for an alternative access via adjoining agricultural land, although the potential for this is shown on the submitted plan. The previously refused scheme for a replacement dwelling and change of use of land did seek to address this, setting out that

access from adjoining fields could be achieved but argued that this would require agreement from all relevant landowners which may not occur.

The land is relatively flat thereby making it generally suitable for either arable or livestock use. The land itself was not surveyed as part of the 2018 Habitat Survey, but land to the southwest is recognised as arable land (short term ley) and the land to the southeast and east is improved grassland (land that is intensively managed, used for grazing and silage). The survey noted that this site is of “Lower ecological value than other grasslands, fluctuation at landscape level”. Feedback from the Annual Monitoring Report (2018) suggested that land farmed for dairy farming had increased by 2.2% since 2017 and this also noted that it would be conceivable that more grain and fodder crops could be grown which means that the land requirements of the agricultural industry are likely to grow.

This land is part of a wider block of open land with a mix of Arable Land and Arable Short-Term Ley as identified in the Habitat Survey (2018). This is not a particularly small piece of land for Guernsey and the IDP acknowledges that farmers operate across a scattered pattern of generally small fields which typifies the traditional, small scale and intricate landscape. The size of the site, as part of a wider block of open land would not preclude agricultural use.

The previous decisions relating to the agricultural land have concluded that the land could positively contribute to the commercial agricultural use of the APA and could practicably be used for commercial agriculture within the APA without adverse environmental impacts. The site layout as proposed would, therefore, prejudice access to the agricultural land within the Agriculture Priority Area and the wider APA. Although the development does not encroach onto the agricultural land at the site the scheme would, as a result of the site layout, prevent access to the retained agricultural land which has already been identified as being suitable for agricultural use contributing to the APA and as such the scheme fails to comply with Policy OC5(A) and the preceding text (17.3.10 which states that the loss of land within the APA will only be supported where it is no longer required for agricultural purposes and the proposed new use accords with other relevant IDP policies (e.g. GP15: Creation and Extension of Curtilage). The scheme therefore also fails to comply with Policy GP8.

Other Matters

Principle of replacement dwelling

Policy GP13 of the Island Development Plan indicates that demolition of existing and erection of replacement dwellings on a one for one basis will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument. The scheme relates to the replacement of a dwelling on a one for one basis and therefore there is a policy gateway for replacement of the existing dwelling.

Demolition of the existing buildings

Policy GP13, whilst allowing for the erection of a replacement dwelling in principle, also requires consideration of the contribution that the existing building makes to the character of the area concerned. In this instance, the existing property and associated outbuildings are considered to make limited contribution to the character of the area and its demolition would not negatively impact on the character of the area.

Design, form, massing and scale of the proposed replacement building

The scheme proposes primarily single-storey development in order to limit its visual impact on the open landscape character of the area, within the Cliffs Landscape Character area (Annex V). Although this does not represent the most efficient and effective use of land because the scheme is not generally multi-storey when balanced against wider visual impacts on balance the scheme is appropriate for this particular site when considering efficient and effective use of land in line with the aims of Policy GP8.

There is no uniform design or palette of materials in the local area. The scheme relates to the erection of a primarily single-storey flat roof dwelling with a small two-storey element to the southwest. The scheme represents a contemporary building with elements taller than the one it replaces. Nonetheless, overall the development and palette of materials proposed represents a good standard of design that respects the local built and open landscape concerned in accordance with the aims of Policies GP8 and GP13 of the Island Development Plan.

The existing building on the site is located on a reasonable sized plot that would be capable of accommodating a larger building and Policy GP13 sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. The proposed dwelling would largely fill the existing domestic curtilage/garden area however, this is ultimately a matter of personal choice. It must be noted however, that this would not, through the IDP, provide justification for the change of use of agricultural land to domestic garden. It is also noted that as proposed there would be no definition between the garden and agricultural land beyond. It would be reasonable to require details of a boundary treatment, with gated access to the agricultural land, to be secured by condition to prevent the overspill of domestic activity and paraphernalia onto the retained agricultural land.

The application site is not within a conservation area and does not affect a protected building or protected monument but is in an elevated position. In respect of Policy GP8 c. (built and open character), the application will also be assessed against Policy GP1: Landscape Character and Open Land (below).

The proposed development will not result in unacceptable overshadowing or loss of privacy to the neighbouring residential occupiers. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 in this respect. Overall, the scheme incorporates large areas of glazing to maximise solar gain and natural light, and courtyard external amenity space for the enjoyment of occupiers (GP8 and GP9).

The development provides bedrooms on both the ground and first floor when considering access for all. The accommodation is generously proportioned and will enable access within the building for people of all ages and abilities. The building would also offer opportunities to be adapted, or extended, to meet the future needs of occupiers. The scheme will also incorporate level thresholds and allow for good access around the building/site in line with Policy GP8.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Impacts on landscape character and open land

Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area. The impact should be assessed in the wider context of the locality, *"In respecting the landscape character and openness of an area, a development need not be hidden from public view, but will be required to avoid undermining the wider landscape character and/or openness of an otherwise undeveloped area."*

The detailed design of the development including architectural detailing and materials has been considered elsewhere in the report (design, form, massing and scale of the proposed replacement building). Although a larger dwelling is now proposed, the linear form of the building also reduces its scale and bulk. The proposed building will not detract from the openness of the landscape character and the building will not appear as an obtrusive feature in the wider area.

The land to the southeast of the application site is largely screened from the adjoining roads by the site boundary features and those defining the other, mainly linear agricultural fields that surround the site, particularly to the northeast and southwest. The site and land would however, be visible from the coastal path to the west at Saints Bay.

A landscaping scheme would help assimilate into the existing landscape character. Overall, the scheme meets the aims of Policies GP1 and GP8 in relation to landscape character and open land. Boundary landscaping and a gate would be necessary in order to protect the agricultural land from encroachment and overspill of the domestic use and domestic paraphernalia.

Car parking provision and effects on surrounding highway

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively.

The set back position of the proposed gate is such that vehicles would pull clear of the narrow lane and onto the application site whilst the gate is opened/opening when

considering highway safety. The position of the gate also does not impact on access to the adjoining agricultural land. There are no details however, of the height and appearance of the gate shown on the application drawings and this matter could have been addressed by condition had the application been acceptable in all other respects.

There is off-road parking, garaging and on-site turning to serve the property and therefore the aims of both Policy IP7 and IP9 have been satisfied in this case. The scheme does not incorporate a designated cycle store however, cycles could be accommodated in the proposed garage to offer the occupiers of the dwelling with an alternative mode of transport in line with the aims of Policy IP6.

Waste Management Plan and Sustainable Design

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case. The information is considered to meet the aims of Policy GP9 in this respect and can be managed by planning condition.

With regard to Policy GP9: Sustainable Development the scheme seeks to address matters relating to siting, orientation, layout and fenestration. The revised application sets out that solar panels are to be located on the roof the first storey block and that paving will be permeable. An EV charging point is proposed within the garage. The provision of these features can be managed by planning conditions and as submitted the scheme would satisfactorily address the aims of GP9.

A bin store is shown to be situated adjacent to the northwest site boundary.

Other matters

The comments received regarding proposed planting, the retention of boundary landscaping etc. have been noted. Had the scheme been considered acceptable in all other respects the retention and reinforcement of existing boundary landscaping could have been addressed by way of planning conditions. An informative note could have been included on an approval highlighting the benefits of utilising native species as part of a landscaping scheme although a requirement that planting be specifically native would be unreasonable as no change of use is proposed and the Strategy for Nature SPG has therefore not been engaged.

Conclusions

Whilst there is scope for the construction of the dwelling as shown within this submission within the existing domestic garden area it should be noted, as per the previous decision on this site, that: *“Providing a dwelling with a “reasonable” curtilage given its size or because an applicant chooses to significantly extend the dwelling thereby reducing the available garden are not reasons given in the Island Development Plan to support the change of use of agricultural land to domestic garden.”*

The scheme would block the existing access to the agricultural land thereby prejudicing its future agricultural use and function within the APA contrary to the aims of the IDP when considering APA land.

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 adverse impact on protected trees, buildings or sites.

Date: 16/10/2025

