

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: Convert, extend and alter building to create a dwelling and associated works, change of use of agricultural land to domestic garden (1,700sqm). Widen and alter vehicle access to west boundary.

LOCATION: Albecq House, Rue De La Lande, Castel.

APPLICANT: Albecq House Limited

I refer to the application referred to below received as valid on 19/08/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/10/2025

Drawing Nos: ArcTech - HW-24-1181-03, 04, 05; Plan B Structural Appraisal

Application Ref: FULL/2025/1338

Property Ref: D011900000

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 application has not demonstrated that the stable building is no longer required or capable of being used for its current or last known purpose, as stabling for horses. The scheme is therefore contrary to Policy GP16(A) a. of the Island Development Plan.
2. In *The Island Development Committee v S. Lainé and L. Lainé* [2003], the Court of Appeal held that unauthorised (and therefore illegal) development was not a springboard by which further development might be authorised. In this case, the extension to the side of the former packing shed, proposed in the conversion scheme to house the bootroom and WC, is not authorised. Notwithstanding this, however, this extension is not of sound and substantial construction given that the upper parts of the walls are constructed from plywood and there are substantial gaps between the plywood wall and roof structure and it is open sided to the south. It would require substantial alteration to be utilised as part of the proposed dwelling with the upper parts of the three existing walls, one whole elevation and the roof requiring replacing/being formed new. In light of the above, the plans and additional supporting

information have not demonstrated that all parts of the buildings are capable of conversion without extensive alteration or rebuilding and the proposal is therefore contrary to Policy GP16(A) c.

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/2025/1338
Property Ref: D011900000
Valid date: 19/08/2025
Location: Albecq House Rue De La Lande Castel Guernsey GY5 7EH
Proposal: Convert, extend and alter building to create a dwelling and associated works, change of use of agricultural land to domestic garden (1,700sqm). Widen and alter vehicle access to west boundary.
Applicant: Albecq House Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application has not demonstrated that the stable building is no longer required or capable of being used for its current or last known purpose, as stabling for horses. The scheme is therefore contrary to Policy GP16(A) a. of the Island Development Plan.
 2. In *The Island Development Committee v S. Lainé and L. Lainé* [2003], the Court of Appeal held that unauthorised (and therefore illegal) development was not a springboard by which further development might be authorised. In this case, the extension to the side of the former packing shed, proposed in the conversion scheme to house the bootroom and WC, is not authorised. Notwithstanding this, however, this extension is not of sound and substantial construction given that the upper parts of the walls are constructed from plywood and there are substantial gaps between the plywood wall and roof structure and it is open sided to the south. It would require substantial alteration to be utilised as part of the proposed dwelling with the upper parts of the three existing walls, one whole elevation and the roof requiring replacing/being formed new. In light of the above, the plans and additional supporting information have not demonstrated that all parts of the buildings are capable of conversion without extensive alteration or rebuilding and the proposal is therefore contrary to Policy GP16(A) c.
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OFFICER'S REPORT

Site Description:

Albecq House, Rue De La Lande is a detached two storey hipped roof dwelling with accommodation in the roofspace. Flat roof and hipped roof extensions exist to the rear of the dwelling and two detached flat roof garage buildings exist to the side of the dwelling.

A linear stable building is situated to the west of the site, with a large sand school to the immediate east of this. A number of ancillary structures are situated to the west of the stable building, one of which is a former packing shed with pitched (asbestos) sheet roof and painted exterior. A porch overhang has been provided to the door of this building. To its north is a rudimentary extension with c. 1.2m high blockwork walls with plywood attached above and a sloping sheet roof. Vehicular accesses to the house and stable building is currently from Rue De La Lande to the east, the house has an independent access to the agricultural land and stables.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. Albecq House is a pre-1900 building.

Relevant History:

The site of the stables was formerly a glasshouse site however these were removed between 1979 and 1990 and the stable block erected with permission having been granted in 1981. The packing shed was retained although did not form part of the scheme to be utilised as stables at that time.

The sand school appears to have been created sometime between 2013 and 2016 but is clearly established by 2019 and was the subject of an enforcement investigation but this found that sand has been spread over the field in front of the stables with no fencing and no significant land raising so no action was taken. There was little evidence of the sand school at the time of the officer site visit in this case with grass having returned to the land.

An extension/addition to the former packing shed seems to have been added between 2016 and 2019, however permission has never been sought or granted for these works.

Existing Use(s):

Albecq House – 01 dwellinghouse
Stable building – 28 agriculture

Brief Description of Development:

The application relates to the change of use of an existing stable building and detached former packing shed with its associated extension to a single dwelling with link extension between the two structures. The proposed link extension has been designed with a flat roof and rendered/glazed exterior. The stable block retains its timber clad exterior and the existing felt roof covering is to be retained. New PVCu windows are indicated to be provided in existing openings and a new window opening is proposed in the south elevation of the former packing shed. The extension north of the packing shed is currently open to the east which is indicated to be infilled with new windows/doors. Solar panels are shown to be provided to the western roofslope of the stable building.

The proposed unit of residential accommodation will comprise a kitchen within the former packing shed, boot room and WC in the attached extension to this with the link

extension housing the proposed living room. Two en-suite bedrooms with dressing areas are proposed within the stable block. Although the drawings provide calculations of the existing and proposed floorspace this does not tally with the calculations undertaken by the Planning Service.

The existing vehicular access to the west site boundary is proposed to be widened from 3.2m to 4m however the proposed west roadside elevation is incorrect and appears to show the existing and not proposed access width.

A new permeable paved, 3.2m wide access is proposed across the agricultural land to the parking/turning area to serve the dwelling where an EV charging point is shown to be provided along with a timber shed to serve as a cycle store. A refuse/recycling store is shown to be provided to the south of the driveway/west of the former packing shed element of the development.

The garden area serving the proposed dwelling is situated to the west of the building, abutting the agricultural land to the west. The submission describes the 1700sqm area as being proportionate to the proposed dwelling. The drawings indicate that a new bank and blackthorn hedge will be provided to the east and north boundary of the proposed curtilage (east of the site) whilst no details of the north boundary are provided and the west site boundary is shown to be open to the retained agricultural land. An area of wilding/biodiversity (400sqm) is also indicated to be provided on retained agricultural land within the applicant's ownership and control but outside the proposed area of domestic garden and the existing vehicular accessway in that part of the site is shown to be removed.

A covering letter accompanies the submission and seeks to address relevant planning policies in this case, including GP16(A). This letter notes that the site is outside of the Agriculture Priority Area however the site actually falls within the APA. The submission sets out that the stables have been vacant for a few years and the current owner does not own/ride horses. The last known uses in terms of horse storage and riding are no longer required nor exist.

The application has been accompanied by a Structural Report by PlanB (stamped DRAFT) setting out that the timber panelling set above a concrete block plinth and frame of the stable building appear in reasonable condition as does the concrete flooring and associated hardstanding although localised areas of poor maintenance of the panelling has been noted.

The former packing shed itself is noted as having a minimal timber frame for the lightweight corrugated roof sheets where there are no signs of deformation and the masonry walls and concrete floors are in reasonable condition with no signs of movement/settlement. A note was made of a crack in the north elevation outer wall but notes that this could be repaired. In relation to the lean-to extension attached to the former packing the report addresses the condition of the masonry elements, timber purlins and rafters and corrugated roof but does not address the timber cladding fixed to the upper elements of the walls.

Foundation trial holes have been dug but a French drain constructed parallel to the west wall of the main building hindered inspection. It was not possible to ascertain the concrete strip thickness of the strip foundation.

The report concludes by confirming that the roof structure is well constructed, the timber panel walls will require minor maintenance/repair or replacement but minimal considering the type and use of the building and the masonry walls are, on the whole, in good condition. Where minor cracking is evident the use of Helifix remedial wall ties (or similar) are proposed. A concrete slab to all buildings has been noted with no significant signs of movement and the foundations appear suitable for the current structure. Regular dividing walls proposed will provide good distribution for load for the future conversion works.

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

Island Development Plan:

S1: Spatial Policy

S4: Outside of the Centres

OC1: Housing Outside of the Centres

OC5(A): Agriculture Outside of the Centres – within Agriculture Priority Areas (APA)

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP15: Creation and Extension of Curtilage

GP16(A): Conversion of Redundant Buildings

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Parking Standards and Traffic Impact Assessment SPG

Representations:

Seven letters of representation have been submitted raising the following points:

Submission

- The submission states that the site is not within the APA but it does fall within an APA
- The non-invasive structural report could mean that later the stables may be found to be unsuitable for a domestic dwelling and have to be demolished – this could lead to a request for a more substantial building to be erected on the site.

Visual amenity

- The application would be detrimental to the views through the field entrance and to the wider area

- This would represent the introduction of urban style development into a predominantly rural setting which would significantly detract from the character and visual appeal of the surrounding landscape, eroding its charm
- The proposal will diminish green space
- The extent of curtilage proposed appears excessive
- The driveway across APA agricultural land will contradict the IDP vision for retaining green spaces and have an urbanising impact
 - The existing access driveway to the stables seems adequate enough for the proposed dwelling and without the need for a different entrance at Retot Lane adding to the burden of the lane.

Agricultural land within the APA and biodiversity

- The application would divide the field into two sections as a result of the proposed driveway and is unnecessary
 - One part of the field would be too small and probably unviable for farming contrary to the objective of preserving priority agricultural areas
 - the field has been used to graze cattle for 50+ years
- If the stable is no longer required, it should be removed from the site.

Highway

- Retot is a narrow, two-way road, with a substantial amount of vehicular traffic, constant use of the access will increase the dangers of an already winding and narrow country lane
- There are few places in Retot that two cars can pass
- The road is often blocked with sewage collection lorries.

Other matters

- The site is in Rue de la Lande and not La Giffardiere
- There has been a proliferation of planning requests regarding the erection of stables on APA land and what will stop those people from applying to turn those stables into houses in future?
- The site notice appears not to have been displayed at the site from the start of the consultation period which has denied the public a fair opportunity to view and respond to the application
- Every effort should be made to properly control frivolous applications to build on green spaces – despite attempts by some to find possible loopholes in the Regulations/Guidelines
- The development as proposed may lend itself to further development in time especially when the application is for a company not an individual
- There may be a water pipe currently supplying water for the stables running through the garden for Le Guet Cottage – will this be large enough to cope with the proposed dwelling/future dwellings.

Consultations:

Agriculture, Countryside and Land Management Services – recommend that the application is not approved.

The site is located within the APA and does not provide any information as to whether the site could be used for agricultural purposes. Given the size, soil quality and location with a larger block of agricultural land the site is likely to be able to make a positive contribution to commercial agricultural use in the area. The loss of agricultural land within the APA will be exacerbated by the location of the new accessway which dissects the adjacent field as the proposals will significantly reduce its ability to contribute to commercial agriculture.

Since 2021 there has been a requirement for changes of use from agricultural land to domestic garden to provide an enhancement to biodiversity. The application does not provide commentary on how this requirement will be met but does refer to an area for “wilding/biodiversity” which may be intended to achieve this. The area is however, outside the red line boundary and so cannot be considered as an offset to mitigate any loss of biodiversity resulting from the conversion of land to domestic curtilage. Furthermore, the proposed removal of this land from agricultural use would increase the amount of APA land being lost to commercial agriculture.

Summary of Issues:

The key issues in this case:

- The principle of the conversion of the buildings to residential accommodation
- The impact of the proposed change of use of land on commercial agriculture, the locality and residential amenity
- Whether this scheme represents a scheme for conversion and the building is of sound and substantial construction without substantial rebuilding/extension

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.

Policy context

The Spatial Policy of the Island Development Plan (IDP), expressed through Policy S1 (Spatial Policy), is to, “concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan (SLUP)”.

The approach to development set out within the SLUP and the Spatial Policy of the IDP is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the IDP Policies for Outside of the Centres which, whilst acknowledging that the Plan

makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres. The Spatial Policy also helps to protect the countryside from unacceptable forms of development in order to avoid unnecessary urbanisation of the Island's undeveloped areas (IDP paragraphs 15.1.4 and 15.1.11).

In relation to residential development the IDP makes provision for all necessary housing land within the Centres and does not allow for new build housing Outside of the Centres (with the exception of those developments permitted through Policy OC1: Housing Outside of the Centres). This approach follows the strategic requirement to focus housing within the Centres. The exception to allow for conversion of buildings Outside of the Centres to residential use is not therefore required or intended to make a contribution to housing land supply or to drive the creation of more dwellings Outside of the Centres.

Policy GP16(A) forms an exception to the above, allowing for conversions of redundant and structurally sound buildings to one of a number of specified uses, including residential such as in this case (which complies with criterion b. of GP16(A)), which ordinarily would not be permissible Outside of the Centres, on the basis that this would comprise a sustainable and efficient use of resources and would enable reuse of buildings which, given that they remain structurally sound, are unlikely to be demolished and would otherwise remain unused but part of the surrounding landscape.

The balance in terms of housing provision outside of the centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined. To this end, any proposal to create housing must comply with a series of rigorous tests, summarised in Policy OC1 (Housing Outside the Centres) and encapsulated in Policy GP16(A) (Conversion of redundant buildings) in the IDP.

It is important to note that the individual policies or paragraphs of the IDP Written Statement should not be read in isolation or out of context and the IDP should be read as a whole including all relevant policies, preceding text, Annexes and the Proposals Map as well as reference to any relevant Supplementary Planning Guidance published by the Authority (IDP paragraph 1.4.14). All proposals are expected to be consistent with the Plan Objectives relevant to the specific proposals. As such, in considering proposals for potentially redundant buildings located Outside of the Centres, IDP Policy GP16 should not be read in isolation.

Policy OC5(A) makes provision for development not related to a farmstead/existing agricultural holding where all other relevant policies are satisfied.

Conversion of existing buildings

Policy OC1 makes provision for new residential development through the conversion of redundant buildings and offers a gateway for the proposed development. As the scheme relates to the formation of a unit of residential accommodation criterion b. of GP16(A) is also met.

No longer required or capable of being used for its current or last known purpose

Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current owners/occupiers or simply requiring the owner of the building to confirm that they no longer require it for the purpose for which it was intended. If the requirement for, usefulness of, or capability to continue to be used of a building (IDP paragraph 19.17.4) is not assessed objectively, then this could lead to a situation where a useful and useable building is converted to an alternative use only to be followed by a subsequent application to erect an additional building to reinstate the function it previously served.

The submission outlines that the current site owners do not, and have no plans to keep horses, and that the buildings have been unused for some time arguing that the stables are no longer required. A review of the planning history highlights that permission was granted for the stables in February 1981. This was an unrestricted use with no conditions limiting their use to the occupiers of Albecq House nor seeking to prevent their use in connection with a livery/business operation.

Since the introduction of the IDP permission has been granted for 42 stable proposals and 4 applications for extensions/alterations to existing stables, with a number of other application proposals pending. It is also noted that in the case of the agricultural building considered at the Hougue Magues appeal the decline of the agricultural industry was discussed (evidence provided relating to 17 (at the time) permissions granted since 2017). These developments included field shelters, agricultural buildings, sheds or stores so the stables could also be put to an alternative use to support the agricultural use of land that surrounds them, within the APA.

In the Hougue Magues case the Tribunal stated “notwithstanding the underlying decline in the agricultural and horticultural sectors, there may well be some unmet demand for agricultural buildings, which the appeal building could go some way to satisfying”. Bearing this in mind, and given the significant number of approvals for stable buildings across the Island during the life of the Island Development Plan and the size of stable accommodation here, the stable building at Albecq House could be brought back into use if within different ownership/management. The scheme has not demonstrated that the stable building is redundant for equestrian purposes and therefore fails to comply with criterion a. of Policy GP16(A).

Sound and substantial

In *The Island Development Committee v S. Lainé and L. Lainé [2003]*, the Court of Appeal held that unauthorised (and therefore illegal) development was not a springboard by which further development might be authorised. In this case, the extension to the side of the former packing shed, proposed in the conversion scheme to house the bootroom and WC, is not authorised. Notwithstanding this, however, this extension is not of sound and substantial construction given that the upper parts of the walls are constructed from plywood and there are substantial gaps between the plywood wall and roof structure and it is open sided to the south. It would require substantial alteration to be utilised as part of the proposed dwelling with the upper parts of the three existing walls, one whole

elevation and the roof requiring replacing/being formed new. In light of the above, the plans and additional supporting information have not demonstrated that all parts of the buildings are capable of conversion without extensive alteration or rebuilding and the proposal is therefore contrary to Policy GP16(A) c.

Implications of *The Island Development Committee v Portholme* [2002]

In *The Island Development Committee v Portholme* [2002], the Court of Appeal held that “... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed.”

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

Given the identified conflict with GP16(A) a. and c., the only lawful decision that can be reached is that planning permission be refused.

Other matters

For completeness' sake an assessment of other relevant planning matters that would be relevant are set out below. It should be noted that the fact they do not form the basis for any additional reasons for refusal does not mean that this application is acceptable in those respects.

Sound and substantial (continued)

In light of an appeal decision (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) this criterion will be assessed in two parts - there will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

A structural report has been provided which confirms that the building is of sound and substantial construction for its current purpose. The submitted Survey states that the building is capable of conversion into a habitable building with limited structural improvement mainly associated with the proposed fenestration and utilising internal walls to provide good distribution of load for conversion works.

The works to upgrade the building to meet Building Regulations appear to be limited to the installation of insulation to the roof, walls and floors. In determining the previously cited appeal, the Tribunal concluded that these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes

involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works to facilitate the conversion, replacement windows/doors are proposed utilising existing/adapted openings and the formation of a new opening in the rear façade of the stable building along with the construction of a link extension between the stables and former packing shed.

With regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

In relation to the stable and former packing shed the scheme would meet the requirements of criterion (c) of Policy GP16(A).

Modest extension

Paragraph 19.17.8. of the IDP states:

Proposals to convert an existing building may be accompanied by a modest extension provided that the extension is not of such scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy.

Policy OC1 of the Island Development Plan sets out in paragraph 16.1.16 that the relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will need to be taken into account in determining whether a proposed unit offers an adequate standard of accommodation. This means that the accommodation must be capable of meeting the current Building Regulations without extension. It is clear, that even without considering the unlawful extension that would have housed the bootroom and WC, the stables and former packing shed are sufficient in size to form a unit of residential accommodation.

Policy GP16(A) criterion g. permits only a modest extension to an existing building. The extension would represent a 20.24% increase in floorspace (excluding the bootroom and WC). Although the extension would house primary living accommodation, the buildings could accommodate a residential unit without extension. It has been demonstrated that the proposed extension would not form a significant part of the proposed new unit in line with criteria g.

Other GP16(A) matters

The scheme does not relate to a Protected Building nor does it relate to buildings of character therefore Policy GP16(A) d. and e. are not applicable.

Landscape character, change of use of land, domestic access across APA land and biodiversity

The site is split roughly in half (southwest corner to northeast corner) between two different landscape character types as set out in Annex V of the IDP. The western land (closer to the coast) sits within the Western Bay coastal landscape whilst the inland area of the site is within the upland, escarpment landscape. The western bays form a 5.5 miles long sequence of bays and headlands which creates an impressive coastline and can be viewed from the escarpment. The bays are backed by Mares (wetland/lagoons) separated from the coast by sea defences and the coast road. Development on the Mares impacts on the character of the coastal landscape. The Escarpment is an inland “fossil” cliff forming the northern and western edges of the Upland Plateau and rises c. 60m above the West Coast Mares and lower parishes creating a visual backdrop.

The northern part of this site forms part of the Headland landscape where a fortification is present but with the exception of isolated clusters of development the Headlands still retain a rough, semi-natural and exposed character. The southern part of the site is part of the West Coast Scarp (not an Inland Scarp) where there is a general impression of a well-wooded slope but the flow of which is interrupted and landform partially obscured where development has spread up the scarp slopes.

It is accepted that some level of domestic curtilage will be required to facilitate the conversion of redundant buildings for residential purposes, as allowed by Policy GP16(A). The extent of the curtilage proposed would be proportionate to the size of the dwelling proposed and is reasonable to support the conversion of a redundant building and accords with Policy GP16(A) and GP15 in this respect.

Some views of the site are visible from the east and Rue de a Lande/the Guet as the land slopes away from the road and the plans and accompanying information make reference to new native hedges/trees in addition to wider scale native tree planting/wilding and wild meadow planting beyond the proposed curtilage/garden area with existing hardstanding removed in connection with these works. The enclosure/division of this land to the east of the building, in an otherwise large area of open, agricultural land would not follow the generally large field pattern found in the Rue de la Lande area. Whilst this planting may help to mitigate the impact of the development and associated domestic items from the wider area the proposed division between domestic and agricultural land does not respect the open landscape concerned when considering Policies GP1, GP8 and GP16(A) of the IDP.

The submission makes no reference to the existing boundary landscaping that is found to the west of the building, separating the Retot field from the remainder of the application site. The drawings appear to indicate that this entire boundary will be cleared leaving an open boundary between the domestic land and retained agricultural land to the north and south of the proposed domestic driveway. Field parcels in Retot are smaller than those to the east but as laid out the proposed development and associated domestic paraphernalia would likely impact on the open landscape concerned when considering Policy GP1 and GP16(A) f.

Furthermore, the wholesale removal of the eastern site boundary/proposed domestic boundary would not provide any protection/buffer from possible overspill of domestic activities into the adjoining agricultural land to the west. In addition to this the proposed

domestic driveway, formed of permeable SUDS paving would carve a route through this otherwise open land which would not address the aims of Policy GP8 in this regard.

The site is located within the Agriculture Priority Area as designated in the Island Development Plan. As the submission has incorrectly identified the land as being Outside the Agriculture Priority Area the application has not addressed the effect of the development proposals on the Agriculture Priority Area.

It has already been acknowledged that it is reasonable to provide a proposed building with an area of curtilage to serve it however, in this case the driveway proposed across the agricultural land from Retot would be unacceptable. The domestic access arrangement proposed could prevent access to the retained agricultural land but also its division, with the driveway cutting across the land, would likely preclude its positive contribution to the commercial agricultural use of land within the APA contrary to Policy GP15 c. of the IDP.

The scheme as submitted would result in the loss of boundary features, between the proposed domestic garden and retained agricultural land off Retot. The site is not however, within an Area of Biodiversity Importance. It is noted however, that the site forms part of a larger swathe of agricultural land, particularly to the east/south and so the site would make a positive contribution to commercial agricultural use in the area contrary to Policy GP15 c. which, as already discussed above, would be exacerbated by the proposed driveway.

In line with the States' Strategy for Nature, 2020 (available online: <https://gov.gg/planningpolicy>), which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed 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.

The land to the west of the stable building, accessed from Retot is recognised as being Improved Grassland in the 2018 Habitat Survey with the southern part to that field being critically endangered Semi-improved Grassland. The land to the immediate east was identified as sand/mud due to the presence (at that time) of the sand school.

The scheme does not address, in detail, the matter of biodiversity enhancements other than to indicate an area of new hedge planting (species unspecified) to the proposed north and east boundaries of the eastern area of curtilage. The submission does not address the adverse environmental impact of clearing the boundary to the west of the site nor how the overgrown part of the western field, to the southern part of the site, would be managed/alterd in connection with these proposals. As ACLMS have noted, the application does not provide commentary on how biodiversity enhancements will be met having regard to any existing biodiversity benefits that the site currently offers. Although an area of wilding/biodiversity is proposed this falls outside the proposed area of domestic garden and cannot be considered in relation to the aims of the SPG where the expectation is for biodiversity enhancements to be provided within the proposed curtilage area.

As such, the scheme does not satisfactorily demonstrate that the Strategy for Nature SPG and biodiversity enhancements to the site would be secured as a result of the proposed development and the scheme would fail in this respect. If the scheme were acceptable in all other regards then the application could have been deferred to seek clarification/amendments to the landscaping scheme and full details could then have been secured by condition.

Visual and Residential Amenity

New developments should be planned and built to support the health and well-being of occupants and users. In terms of internal space provision, it has previously been established that the building is capable of accommodating the two-bedroom accommodation shown without extension when considering the current Building Regulations and exceeds the DCLG space standards which are published as best practice guidance.

The proposed development, alterations and extensions represent a standard of design that is in keeping with the existing building and will not harm the built environment given the variety of residential properties in the local area. The works proposed will not result in harm to the character of the surrounding area.

The scheme considers the health and well-being of future occupiers by providing accommodation with adequate natural light and ventilation along with access to external amenity space.

There are no immediate residential neighbours and the development would not have a detrimental impact on residential amenity (GP16(A) h and GP8, GP9 b.).

Sustainable development

The scheme incorporates information relating to sustainable development, including reference in insulation, electric heating for off-peak use and photovoltaics proposed to the east roofslope. Water systems are to be non-drip and water efficient with the layout such that sustainable installation can be used. Access within and around the building is also highlighted as being improved with SUDS designed hardstanding along with an EV charging point.

Generally, the information provided demonstrates how the scheme can address the requirements of Policy GP9. Concerns do exist however, regarding the proposed extent of hardstanding crossing agricultural land rather than using the existing access. Although the existing access driveway is longer than that proposed it is an existing arrangement which could be used and reuse of existing must be considered as having some sustainable benefits. If the scheme were acceptable in all other respects a condition could be imposed requiring details of and the installation of SUDS paving, panels and a charging point to meet the aims of Policy GP9.

Access/Highways/Cycle parking

It is noted that the elevation drawings do not accurately reflect the proposed vehicular access although the width is clearly noted on the site plan.

The scheme proposes the demolition of a section of roadside wall to widen the vehicular access to a splayed access, 3.2m wide between the pillars but c. 8m wide at the road frontage (taken from the proposed block plan). The driveway would be just over 3m wide and would likely be sufficient to allow two vehicles to pass.

The site is not situated in a Conservation Area and although a section of the boundary wall would be lost, a large proportion will remain intact. The concern in this case is the bellmouth arrangement which is not characteristic with agricultural land and the effect of the proposed access design on the character and appearance of the lane. In view of this, this aspect of the scheme would not represent a good standard of design that would respect the open landscape concerned, contrary to Policies GP1 and GP8 of the IDP.

The scheme makes satisfactory provision for both cycle and vehicle parking having regard to the SPG and aims of the IDP policies IP6 and IP7.

Policy IP9 requires consideration to be given to the existing public road network's ability to cope with any increased demand as a result of the development and the access requirements of people of all levels of mobility and health. Given the scale of the existing building and likely number of associated vehicle movements if the site were used for equestrian and agricultural purposes, and that one dwelling is proposed, it is unlikely that there would be any significant adverse impact on the existing road network, or that acceptable access could not be provided. The access in this case is, however, via Retot but with the adjustments proposed to the access, serving a single dwelling, this would not represent an unacceptable intensification in the use of the access or this road.

The covered storage incorporated into the main building could be utilised for secure and covered cycle storage but the scheme also proposes a separate shed for that purpose. The scheme does not include specific provision for cycle parking although, the site is sufficient in size to accommodate this. If the scheme were otherwise acceptable the matter may be controlled by planning condition to secure compliance with IP6.

Other matters raised in representations

The concerns raised through the public consultation process regarding future applications for additional housing units is noted however, the current Development Plan does not make provision for the development of this site for housing (other than in the circumstances outlined elsewhere in this report). Should permission have been granted for the formation of a single dwelling within the stable building there would still be no policy provision for any more residential units than an approved conversion scheme.

The scheme will also need to accord with the current Building Regulations with regard to surface water runoff and connection to the local services. The matter of utilities to the site is not in the control of the Authority.

Conclusions

The scheme fails to meet the gateway policies for the conversion of a redundant building as it has not been satisfactorily demonstrated that the stable building is redundant for its current or last known purpose. Furthermore, part of the building has not been demonstrated to be of sound and substantial construction capable of conversion without extensive alteration or rebuilding.

The scheme also fails to comply with the aims of the IDP on the following grounds:

- Impact of development and ancillary development/domestic paraphernalia and the proposed bellmouth access on the open landscape concerned
- Impact of the change of use of land/way the land is proposed to be divided between domestic and agricultural land on landscape character along with the loss of west boundary landscaping on the wider area
- Impact of the development and driveway from Retot on the commercial function of the Agriculture Priority Area
- Does not satisfactorily address the Strategy for Nature SPG

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: 20/10/2025