

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 (2,682sqm) and erect summerhouse to north-east of site (retrospective).

LOCATION: Tara, Clos Du Fillage, Le Frie Baton Road, St. Saviour.

APPLICANT: Mr G Gallagher

I refer to the application referred to below received as valid on 01/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/11/2025

Drawing Nos: Soup - 510_100, _010

Application Ref: FULL/2025/1416

Property Ref: E01032A006

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. It has not been 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. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A) of the Island Development Plan.

2. The land the subject of this application forms part of a large swathe of undeveloped land which extends in a north-south direction. The proposal would result in a significant incursion into undeveloped land beyond the extent of the existing residential property to the detriment of the wider landscape character of the area. In this case the requirements to ensure the protection of undeveloped land and landscape character outweigh the reasonable expectations of the landowner to incorporate additional land into the curtilage of the dwelling-house. The proposal is contrary to Policies GP15(a) and GP1 of the Island Development Plan.

3. The domestic summerhouse is erected on agricultural land within the Agriculture Priority Area. In these circumstances there is no planning policy gateway available to permit the approval of this development and the proposal is contrary to Policies OC5(A), GP1 and GP15 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/2025/1416
Property Ref: E01032A006
Valid date: 01/09/2025
Location: Tara Clos Du Fillage Le Frie Baton Road Le Frie Baton Road St.
Saviour Guernsey GY7 9PL
Proposal: Change of use of agricultural land to domestic garden
(2,682sqm) and erect summerhouse to north-east of site
(retrospective).
Applicant: Mr G Gallagher

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been 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. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A) of the Island Development Plan.
 2. The land the subject of this application forms part of a large swathe of undeveloped land which extends in a north-south direction. The proposal would result in a significant incursion into undeveloped land beyond the extent of the existing residential property to the detriment of the wider landscape character of the area. In this case the requirements to ensure the protection of undeveloped land and landscape character outweigh the reasonable expectations of the landowner to incorporate additional land into the curtilage of the dwelling-house. The proposal is contrary to Policies GP15(a) and GP1 of the Island Development Plan.
 3. The domestic summerhouse is erected on agricultural land within the Agriculture Priority Area. In these circumstances there is no planning policy gateway available to permit the approval of this development and the proposal is contrary to Policies OC5(A), GP1 and GP15 of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site, known as 'Tara', consists of a large, 2 storey dwelling-house located at the end of Clos Du Fillage. The property is served by a detached garage to the north-east of the dwelling, with agricultural land to the east. The garage was approved as part

of planning permission FULL/2018/2142. The rear (east) elevation of the garage demarcates the recognised domestic curtilage, and the agricultural field to the east. The agricultural land is bounded by mature landscaping on all boundaries.

The site is bounded by agricultural land to the north, east and south. Part of the north boundary adjoins onto domestic land associated with the dwelling-house known as 'Zedkhar'. Not all of the land associated with Zedkhar is recognised as domestic curtilage.

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

A summerhouse has been erected towards the rear of the agricultural land and adjacent to the north boundary, without planning consent. The agent's letter dated 26th August notes that a summer house has existed since 2014. However, the current structure on the site has been erected after 2022.

It is also noted that a number of trees have been recently planted on the agricultural land which are shown on drawing 510_100.

Relevant History:

Reference No	Description	Decision
PREA/2018/2323 E01032A006 Tara	Change of use of agricultural land to domestic garden.	Pre-application enquiry
FULL/2018/2142 E01032A006 Tara	Remove hedge and erect garage at rear of property.	Granted
PAPP/2008/0341 E01032C007 Zedkhar (adjacent property to the north of the application site)	Alterations to dwelling and erect new garage	Granted

Existing Use(s):

Residential use class 1 – Dwelling-house
Agricultural use class 28 – Field to rear (east of dwelling)

Brief Description of Development:

Retrospective permission is sought for a change of use of agricultural land to domestic curtilage, and to erect a summerhouse.

The area of land in question measures approximately 2682sqm, as confirmed on the application form.

The summer house is approximately 5.5m (l) x 3.6m (w).

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 GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Policy GP15: Creation and Extension of Curtilage

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

None.

Consultations:

None.

Summary of Issues:

Whether the change of use of agricultural land to domestic land would harm the use of the Agriculture Priority Area and the landscape character and openness of the area.

Whether a policy gateway exists to support the proposal for the summerhouse.

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).

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 considered in the assessment of this application.

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

Loss of agricultural land within the Agriculture Priority Area

The Island Development Plan 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.

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.

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.

The Authority has published non-exhaustive guidance on matters that could be taken into account:

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 following matters 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 in question projects out into a large swathe of agricultural land, running in a north-south direction. The land in question, together with land to the north, east and south is located within the Agriculture Priority Area.

The proposed change of use of agricultural land to domestic garden would see the agricultural land reduce in size by circa. 2,682sqm, as confirmed on the application form.

The agent's main points in support of the application are set out in the agent's letter (dated 26th August 2025) and are summarised as follows:

- The property is landlocked by developed boundaries and is only accessible by the estate road.
- The land is recognised as 'Amenity Grassland' as defined in the Habitat Surveys in 1999, 2010 and 2018.
- Application FULL/2018/2142 was consented to remove hedge and erect garage at rear of property. No curtilage restriction, conditions, informative or reference of discontinuance of the summerhouse or uses of the rear land in question was noted.
- The average size of a Guernsey field is considered less than 4 verges, therefore the land is well below that size and accessed over a shared estate road. Once the property is reached, the land is accessed over an established driveway and between two domestic buildings.
- The land is long established amenity land and to create any other boundary access would result in adverse environmental impacts, and with no direct link or annexation to any wider agricultural holding.
- The land has been sold on four occasions under a single cadastre reference.
- Any commercial scale contribution to the APA is not viable and has not existed since at least 2001.
- This landlocked landscape has no loss to commercial level agriculture now or in the future as a single holding, or part of a wider holding.

The agent has submitted limited information to demonstrate that the land could not be used for commercial agriculture. It is also noted that some of these claims, including the average size of a Guernsey field, are not substantiated. In addition, other factors such as soil condition, soil quality, topography, flooding/drainage and the requirements of the agricultural industry do not appear to have been addressed.

It is recognised that the land is predominantly flat, albeit has an access over domestic land to the west of the site. Whilst on its own the land is of a relatively modest size, it could be used for commercial agricultural use in conjunction with a group of nearby agricultural fields, particularly to the north, but also potentially to the south of the application site. Although it is noted by the agent that the site is bounded by mature landscaping, it would be possible to create limited sized openings within these boundaries that would be suitable for agricultural purposes, but which would also have a limited environmental impact and would be similar to other punctuated boundary treatments seen across the island which often provide the connectivity and physically link and create a much larger agricultural field that could be used on a commercial basis, which would potentially make a more meaningful and viable contribution to the APA.

In summary, the level of information submitted does not provide sufficient evidence to 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.

The application site projects out into a large swathe of agricultural land running in a north-south direction and adjoins other parcels of agricultural land and therefore is considered to form part of a large area of contiguous agricultural land. If approved, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and is therefore contrary to Policies GP15(c) and OC5(A).

Impact on the landscape character and openness of the area

The application site is surrounded by mature boundaries and when viewed at ground level there are limited, and distant public vantage points available in the surrounding area.

However, the proposal is considered to cause harm to the landscape character of the surrounding area when viewed spatially. This is due to the size of the land parcel in question and the extent of projection into a wider undeveloped area of agricultural land. The distance between the recognised domestic curtilage and the east boundary treatment of the agricultural land would be approximately 70m in length. Moreover, the spatial pattern of development in the wider area is uniform in its character. There is a strong and evident demarcation line which runs northwards from the rear elevation of the approved garage and intersects with the rear boundary treatments of multiple houses, which themselves back onto agricultural land. Allowing this change of use would undermine this strong demarcation between domestic curtilage and agricultural land, which would also set an undesirable precedent for other properties to follow.

Consequently, the proposal is contrary to Policy GP1 and criterion (a) of Policy GP15.

Summerhouse

The domestic summerhouse is erected on agricultural land within the Agriculture Priority Area. In the above circumstances there is no planning policy gateway available to permit the approval of this development and the proposal is contrary to Policies OC5(A), GP1 and GP15 of the Island Development Plan.

Conclusion

As set out above, the proposal does not accord with IDP Policies OC5(A), GP15, and GP1 and it is therefore recommended that the application is refused.

Date: 11/11/2025

