

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: Erect stables to south boundary of agricultural land.

LOCATION: Land at Rue De La Petite Hurette, Castel.

APPLICANT: Mrs L McCarthy & Mrs E Hatton

I refer to the application referred to below received as valid on 16/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/01/2026

Drawing Nos: Collas Crill - Site Location Plan, Block Layout Plan; Stable elevations (P1 & 2)

Application Ref: FULL/2025/1428

Property Ref: D001110000

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 site is located within an Agriculture Priority Area as designated within the Island Development Plan. The application fails to demonstrate that the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts. The application is contrary to Policy OC9iii) (Leisure and Recreation Outside of the Centres), and consequently fails to comply with Policy OC5(A) (Agriculture Outside of the Centres - within the Agriculture Priority Areas).

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/2025/1428
Property Ref: D001110000
Valid date: 16/09/2025
Location: Land at Rue De La Petite Hurette Castel Guernsey
Proposal: Erect stables to south boundary of agricultural land.
Applicant: Mrs L McCarthy & Mrs E Hatton

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site is located within an Agriculture Priority Area as designated within the Island Development Plan. The application fails to demonstrate that the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts. The application is contrary to Policy OC9iii) (Leisure and Recreation Outside of the Centres), and consequently fails to comply with Policy OC5(A) (Agriculture Outside of the Centres - within the Agriculture Priority Areas).

OFFICER'S REPORT

Site Description:

The application site comprises a 3.66 acre (14814sqm) parcel of agricultural land, surrounded by agricultural land in all directions. The land slopes from south to north across the site, and levels drop steeply to the adjacent land to the north and rise towards the south, with strong planted boundaries in both directions, and to the east of the site. The land parcel comprises a larger field to the west, separated from a narrower and slightly lower strip to the east by an earthbank, topped by juvenile hedge planting.

La Rue de la Petite Hurette runs along the west boundary of the site, providing access to the site, and continues along the south boundary of the field to the south of the site, separated from both land parcels by an earthbank and intermittent planting.

The application site is located within the Agriculture Priority Area, Outside of the Centres in the Island Development Plan.

Relevant History:

Application site

Pre-application advice regarding erection of polytunnel and stables.

FULL/2025/1685 Pending application for the erection of a polytunnel.

Field to west of La Petite Hurette (D001300000)

FULL/2023/0923 Erect stable block, earth bank, fence and gate, hardstanding to east of the site and erect fence to south-west boundary. Refused 22/09/2023 – Impacts on open landscape character and Agriculture Priority Area.

FULL/2024/0411 Erect stable block and storage building to north boundary. (Revised scheme). Approved 23/04/2025 – Stables repositioned to minimise impacts on landscape character and agricultural use of land.

Field to south of La Petite Hurette (D001290000)

FULL/2025/0953 Erect agricultural shed to north boundary and alterations to ground levels to east of site (retrospective). Approved 24/10/2025

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to erect a 11m x 3.6m x 2.9m (high) stables housing two stables and a tack room in the south-west corner of the eastern part of the site.

In support of the application the following points are made:

- The applicants own one ex-racehorse, one Connemara pony and one Shetland pony (the latter two are stabled together), currently stabled at rented stables which are prone to flooding and do not meet current best practice requirements for animal welfare and the associated grazing contains ragwort, which can be poisonous to horses;
- The horses will be grazed on the application site and stabling is required to meet welfare needs of the horses, eg isolating individual horses when required, shelter from adverse weather, etc. Stabling will not be used for commercial livery;
- There is no proposal to create an access track across or parking area in the field;
- The applicants do not own any other agricultural land;
- The keeping and grazing of horses on agricultural land is an agricultural use, and the erection of a shelter in connection with and for a purpose ancillary or ordinarily incidental to a lawful agricultural grazing use should find support under Policy OC5(A);
- There is no exercising, training, jumping etc of horses at the site which would comprise a leisure use;
- The stable is of small scale and has been sited to ensure no significant loss of agricultural land and to avoid compromise of any future use of the land;
- The materials, physical and visual scale and mass of the building will help blend into surrounding rural landscape;

- The Authority has previously recognised the following:
 - General demand for new stabling and lack of capacity/inadequate facilities at existing commercial stables in the Island (FULL/2021/0802);
 - An applicant would want stables to be located on land under their ownership and where horses are kept and grazed (FULL/2024/0411);
 - A stables of a similar size was proportionate to a similar land area, within a similar context (FULL/2022/2384, FULL/2023/0341, FULL/2024/0411, FULL/2025/1277).
- A minor departure is requested if felt necessary.

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

Island Development Plan Policies:

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

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

The main issues in deciding this application are:

1. Whether it has been demonstrated that the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts, the site falling within an Agriculture Priority 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).**

Relevant policy framework and considerations

The application site comprises agricultural land, falling within an Agriculture Priority Area in the Island Development Plan.

The grazing of horses on agricultural land does not amount to a change of use of that land, grazing comprising a permitted use on such land as set out within the Land Planning and Development (Use Classes) Ordinance, 2017. It does not however follow that the keeping of horses is an agricultural activity. It is not explicitly clear within the submitted information, however no hay store is proposed therefore it is assumed that grazing on the land would form the predominant form of feed for the horses. There is however no indication that the horses in question would be used for agricultural purposes, but rather, given the breed of the horses and presence of a tack room, it appears likely that the horses would be used for recreational purposes. The stables could not therefore be considered an ancillary and incidental function to the agricultural use of the land.

In light of the above, Policy OC5(A) could not form a gateway to consider the proposed development. That policy does however allow for development which is not related to a farmstead or existing agricultural holding, and that does not comprise an ancillary agricultural use, provided that the development accords with all relevant policies of the Island Development Plan.

The keeping of horses as described above, encompassing both the stabling of the horses and the use of the surrounding land, would comprise an equestrian related activity, defined as Outdoor Formal Recreation within the Island Development Plan (Paragraph 18.1.2), and would fall to be considered under Policy OC9.

Policy OC9 sets out support for new facilities for outdoor formal recreation, where certain criteria are met and these are addressed below, together with other relevant policies of the Plan.

i) any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,

The proposed stable building would be proportionate to the size of the land parcel and has been demonstrated to be appropriate for the purpose intended.

ii) the visual impacts of ancillary built development can be mitigated to respect the character of the locality;

This criteria reflects the requirements in Policies GP1 and GP8 for development to respect the relevant landscape character of the area, to prevent the unnecessary loss of open land, to prevent the unacceptable loss of distinctive features and to provide soft landscaping where this reinforces local character and/or mitigates the impact of development.

The application site is surrounded by and forms part of a large area of open and undeveloped land, divided by hedge banks and trees, and forms part of a wider rural landscape. The area is located within the Upland Escarpment as identified in Annex V of

the Island Development Plan, described as providing a steep, apparently wooded backdrop to the lower landscapes and a physical division between those lower landscapes and the landscapes above.

Whilst the site will contribute to the wooded escarpment in longer views from the surrounding area, the proposed stables would not result in the loss of any trees (in fact it is noted that additional planting has been undertaken around the perimeter of the site) and, given the scale, form, finish and location of the building, the stables would be unlikely to be apparent in those views and, if visible, would be of negligible impact.

In shorter views, the western part of the site is open to views from La Petite Hurette to the west. The eastern part of the site is however set over 100m to the east of that road, at a slightly lower level and behind an existing earthbank, limiting any views into that area. The topography of the area, combined with intervening hedge banks, trees and other vegetation prevent views of the eastern part of the site from the road to the south, or from the publicly accessible Grantez Mill viewpoint to the south-east.

Overall, it is concluded that the stables would not be visually prominent and would not, on balance, alter or undermine the undeveloped and open landscape character of the area. In light of this, and the planting which has already been undertaken along the north and west boundaries of the eastern part of the site, it is not considered that additional ameliorating planting would be required in this case.

The submitted information states that there is no intention to create any areas of hardsurfacing in association with the proposal, either to provide access, parking, or hardstanding around the stables building. It is not clear whether any base is proposed. It would be unusual for a stables to have no associated hardstanding areas immediately adjacent to the building and, were the application to be approved, further confirmation could be sought on this point.

iii) the site does not fall within an Agriculture Priority Area (APA), or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts”.

The Island Development Plan, drawing from the overarching strategic policy context, recognises that a balance is required between the provision of land for the current and future needs of the agricultural industry, acknowledging the important role of that sector in landscape management and the increased pressure on such activities resulting from the transfer of land to non-agricultural uses, and ensuring that land is also available to meet other legitimate development requirements. To protect the Island’s most valuable agricultural land and, in particular, those areas which are well related to established agricultural operations, the Plan therefore includes designated Agriculture Priority Areas, where the focus is on maintaining and protecting the most important, large areas of contiguous agricultural land for agricultural use.

The application site is located centrally within such a large area of contiguous agricultural land, defined as an Agriculture Priority Area. The larger field to the west of

the site area is defined as Very Good (Grade 2) quality agricultural land and the land to the east, on which the stables would be located, is classified as Moderate (Grade 3b) quality agricultural land on the Agricultural Land Classification map (initially published 1988, reissued in 2010). Whilst it is appreciated that this map is dated, there is no evidence of any intervening uses which might have impacted significantly upon this classification, and aerial photograph regression appears to indicate the site has previously been managed in association with adjoining land parcels.

Whilst the Plan acknowledges that the Agriculture Priority 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, there is no evidence that the application site would fall within this definition. On the contrary, the site appears to comprise prime agricultural land, well sized and related to other such land and associated operations. No evidence has been provided to demonstrate that the land could not positively contribute to commercial agriculture, or could not be used without adverse environmental impacts. Consequently the proposal is contrary to criterion (iii) of Policy OC9.

In concluding the above, it is noted that permission was recently granted for the erection of stables on adjacent land to the south-west, also falling within the Agriculture Priority Area (ref FULL/2024/0411). In that case significant weight was given to the positioning of the stables, peripheral to the wider land holding and, in that manner, differs from the current proposal, where the stables are to be located centrally within the application site.

Other cases have also been cited that are claimed to be similar to the current proposal, where stabling has been permitted on land within the Agriculture Priority Area, however it is difficult to safely draw conclusions that what applies in one case will apply in the same way in another and no two situations will be precisely the same, for example when considering the cited cases it is noted that in some cases additional supporting information was provided which had a material bearing on the outcome of the application and in one case the building was not for the keeping of horses. Each case must therefore be considered on its own merits against the planning policies in place at the time. This has been accepted by the Planning Tribunal in an appeal judgement (Ref: PAP/011/2023) where it was stated that *“it is not the case that one decision should always be taken as setting a firm or binding precedent for another, even if the circumstances may appear to be similar. First, it is rare for any two applications to be identical. Second, many decisions require the exercise of judgement, and judgements can vary legitimately. Third, errors can be made and clearly a decision made in error should not form any kind of precedent”*. It is not therefore found that the cited cases would alter the assessment set out above.

Other matters

There are no residential properties in the vicinity of the application site, and the proposals would not therefore give rise to any adverse impacts on residential properties, having regards to Policies GP8d) and GP9b).

Given the limited size of the stables, it is not envisaged that approval of the application would give rise to significant additional vehicle movements, such as to raise concerns regarding road safety. As noted above, the proposal does not include the creation of any specific areas of hardstanding for access or parking. It is stated that persons currently accessing the site park vehicles immediately adjacent to the site access, next to the road in the west boundary, and this arrangement would continue. Whilst this would not, in itself, raise concerns, it should be noted that the creation of any areas of hardstanding for access or parking, for example to support deliveries to the stables, management of manure, etc., would require planning permission and would need to be carefully considered in terms of land use and visual impacts.

The submitted information confirms that consideration has been given to the orientation and design of the building to make it fit for purpose, that the building is of sustainable construction and there is potential to install solar panels to power internal lighting should it be required, having regard to Policy GP9a).

Conclusions

The application proposes the keeping of horses at the site, comprising an equestrian related activity falling to be considered primarily under Policy OC9 in the Island Development Plan. The built form proposed as part of the application would be proportionate to the nature and scale of the activity and the visual impacts of that built form would be limited, in accordance with OC9 i) & ii). The site however forms part of a large swathe of open and undeveloped agricultural land defined within the Island Development Plan as an Agriculture Priority Area. The site is of good size and the soil quality has previously been assessed as good/moderate. No evidence has been provided as part of the application 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, and consequently the proposal is contrary to criterion (iii) of Policy OC9 and fails to comply with Policy OC5(A).

In light of the above, it is recommended that the application be refused.

Date: 19/01/2026

