

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 single storey building/store and undertake landscaping works, including re-grading of land, laying of hardstanding and erection of sleeper wall to north-east of site.

LOCATION: Seascape, Rue Du Banquet, Torteval.

APPLICANT: Mr A Whyte

I refer to the application referred to below received as valid on 14/11/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/03/2026

Drawing Nos: DRP Architecture - 3373 DR-001, 002, 003, 008, 009

Application Ref: FULL/2025/1498

Property Ref: G005590000

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 development does not relate to the agricultural use of an existing farmstead or existing agricultural holding, and it has not been demonstrated that the development would be for a purpose ancillary or ordinarily incidental to the existing principal agricultural use of the land. The proposal would not therefore comply with the requirements of Policy OC5(A) (Agriculture Outside of the Centres - within the Agriculture Priority Areas).
2. The proposed development would intrude into the undeveloped and wooded slope which comprises the coastal escarpment and would have an unacceptable impact on the landscape character of the area. The proposal would not therefore comply with the requirements of Policy GP1 (Landscape Character and Open Land) and Policy GP8c (Design).

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/2025/1498
Property Ref: G005590000
Valid date: 14/11/2025
Location: Seascape Rue Du Banquet Torteval Guernsey GY8 0QA
Proposal: Erect single storey building/store and undertake landscaping works, including re-grading of land, laying of hardstanding and erection of sleeper wall to north-east of site.
Applicant: Mr A Whyte

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development does not relate to the agricultural use of an existing farmstead or existing agricultural holding, and it has not been demonstrated that the development would be for a purpose ancillary or ordinarily incidental to the existing principal agricultural use of the land. The proposal would not therefore comply with the requirements of Policy OC5(A) (Agriculture Outside of the Centres - within the Agriculture Priority Areas).
 2. The proposed development would intrude into the undeveloped and wooded slope which comprises the coastal escarpment and would have an unacceptable impact on the landscape character of the area. The proposal would not therefore comply with the requirements of Policy GP1 (Landscape Character and Open Land) and Policy GP8c) (Design).
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OFFICER'S REPORT

Site Description:

The application site comprises a substantial modern dwelling located within a limited residential curtilage to the south with agricultural land, maintained as grassland, to the north. The boundary between the two uses is formed by a low bank/hedge. The land slopes away from the dwelling towards the north, increasing in gradient towards the north boundary. The north and east boundaries, adjacent to the area of proposed development, are formed by a bank/stone wall, with the remainder of the site boundaries formed by earthbanks and planting. Access to the site is from the Rue du Banquet in the south boundary, and the agricultural land is accessed through the domestic curtilage.

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

Relevant History:

16/10/15 FULL/2015/1693 Permit to demolish existing dwelling and erect replacement dwelling, extend existing domestic curtilage and create new access.

07/10/16 FULL/2016/2071 Permit for variations to plans previously approved to erect replacement dwelling – reposition new dwelling, alter location and design of garage and alterations to fenestration. Under this application information was submitted to satisfy the following sections of Condition 4 of the previous decision, relating to landscaping:

- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, size, numbers and densities of plants;
- iv) finished levels or contours;
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

FULL/2020/2232 Change of use of agricultural land to domestic garden (460 sqm).
Refused 27/04/2021 as the application failed to demonstrate the land could not positively contribute to the commercial agricultural use of an Agriculture Priority Area.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to erect an 8m x 10.3m agricultural store, including workbench for routine servicing of equipment and covered log store enclosed by low railings, and hoggin movement space. The height of the building would be 4.5m, however the building would be built out over reducing ground levels, supported on timber pillars, and would be 7m above ground level at the highest point. The structure would be of timber frame and cladding with pantile roof. As part of the application it is proposed to adjust ground level to form a ramped access, lined with retaining sleeper walls.

In support of the application it is noted:

- The building supports the operational needs of an established agricultural site, providing essential storage of machinery and vehicles to ensure proper upkeep of the land;
- The land is currently managed grassland, stated to be cut once or twice annually. The submitted information states that site is both a wildflower meadow and cut for hay;
- Fruit trees will be planted at the southern end of the site to establish a small scale orchard;
- The following equipment is required for management of the land:
 - o John Deere 545R heavy duty zero-turn mower;
 - o John Deere Gator 865M 4-wheel-drive utility vehicle;
 - o John Deere 4066R utility tractor with hedge cutter attachment;

- Kubota U17 mini-digger;
- Honda pedestrian mower;
- Sprayer unit (Gator attachment);
- Strimmers, chainsaws and other hand tools;
- Storage of fuels, oils, etc.
- The steep topography influences the operational criteria of the equipment;
- Currently this equipment is stored on site, within the existing garage, however this is required for the domestic parking of vehicles;
- There are no buildings at the site which could be adapted for the proposed storage;
- The scale and design are proportionate to the agricultural activity;
- The partially suspended nature of the build would minimise ground disturbance, boundaries will be maintained.

A sustainability statement is provided.

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

Representations:

Two letters of representation, one also stated to be on behalf of two other persons, received raising the following points:

- The proposal effectively extends the curtilage of the property;
- The land has been managed as an extension to the domestic use, including the formation of the fire pit and removal of dividing earthbank/hedge and as a closely mown lawn, not as described within the application;
- It is difficult to see how this small parcel of land (c1acre) can be described as an established agricultural site or why so much equipment is needed. The proposal is not proportionate to the site size, and the type of equipment implies a continued domestic use;
- The proposed building is not a conventional agricultural building, but a domestic form, the log store of which could easily function as a balcony overlooking the adjacent properties;
- The building would be visible from various locations along the coast;
- Excavation rather than raising the buildings would reduce visual impacts and the overbearing and overshadowing impacts on adjacent properties;
- The proposal does not avoid the loss of open land or ensure the preservation of habitat and soils as stated within the submitted material;
- It is stated that the site is used to produce hay and has biodiversity value, however no details are provided;

- The site is situated between two designated areas of Site of Special Significance and would cause disturbance to that adjoining the location of the proposed building;
- Species rich grassland on the location of the proposed building has previously been ploughed up and replaced with imported seed mix;
- There is a successful owl box adjacent to the proposed location, and this is likely to be abandoned as a result of the proposed development.

Consultations:

Agriculture, Countryside and Land Management Services note the following:

- The agricultural use of the site is described in the letter as: *“the intention is to continue managing the land for hay and biodiversity value, with the grass cut and removed once or twice annually”*. The aerial photography appears to show closely mown grassland, which will have been cut frequently and not for hay, it is not clear that this is the existing management as implied.
- It is not clear how the hay production is managed or who the end user is, ordinarily, if it's provided to a farmer, the farmer would cut, bail and remove the hay themselves.
- The proposed equipment is not the type of agricultural equipment used for the production of hay (which requires cutting, turning and baling), but would essentially mow the grass into small fragments, unsuitable for hay or livestock feed, and maintaining a short turf.
- The timber retaining walls do not appear appropriate for an agricultural setting and would likely result in a large area being unable to be used for the agricultural purpose they state (i.e., it couldn't be cut for hay). Further details of the extent of the proposed ground regrading would be required, specifying the area of regrading as well as the changes in levels, this could result in a large area of landscaping.
- A log store is proposed on an exposed side of the building, unusual for such storage.
- The proposed development is adjacent to a designated Site of Special Significance. It has the potential to negatively impact on SSS during both the construction and operational phases of the development. Would request that no materials are allowed to enter the SSS (heras fencing may be required), there should be no external lighting.
- Provision of a landscaping scheme would be welcomed if there is to be any planting or sowing. Given the close proximity to a SSS, we would recommend that no 'wildflower seed' is sown unless locally sourced, native seed.
- The intention to create an orchard is noted, and the requirement to maintain equipment for 'orchard spraying', which is understood to refer to the spraying of pesticides (such as insecticides or fungicides). Although potentially outside the scope of Planning Service, it is advised that spraying of pesticides has the potential to negatively impact the adjacent SSS and care should be taken to ensure that pesticides applied are not allowed to enter the SSS. This also may be counter to their stated intentions for the orchard to provide a *“sustainable and low-intensity agricultural system”* and to *“enhance biodiversity”*.

La Societe Guernesaise comments as follows:

Policy GP2 (Sites of Special Significance)

Firstly, we would highlight that the property adjoins a Site of Special Significance (SSS) on the north and north-west boundary. SSS-designated land is also situated 25m to the east of the Seascope property and a wooded slope joins the two areas to form a contiguous wildlife corridor.

There is an owl box in a mature tree on the boundary of the adjacent property which is known to be used by Barn Owls. This box would be closely overshadowed by the proposed development and the flight line to the box would be lost, which would very likely lead to its complete abandonment.

The development would also impact the adjoining SSS land through new sources of noise and visual disturbance, as well as the likelihood that some form of lighting may be introduced. As such, we do not believe the proposals meet **Policy GP2**, as the development would have adverse impacts on the SSS.

Policy OC5 (Agriculture)

We would question the need for an agricultural store of this scale in respect of the wider property. The undeveloped land only measures around 4000sqm (1 acre). Therefore there does not appear to be the requirement for the array of machinery listed, extending to tractors and mini-diggers.

We would also highlight that the listed machinery does not meet the definition of agricultural use as outlined in **paragraph 17.3.1 of the IDP**. Rather the proposed machinery would facilitate the current use of the land as a domestic garden and allow further gentrification of the property, which is currently maintained as an extensive closely-mown lawn. We do not believe the proposal meets **Policy OC5** as the development is not for the running of an agricultural holding and is not of a proportionate scale.

We would suggest that the amount of machinery required for a property of this size could be reasonably accommodated within a smaller facility closer to the existing dwelling (and away from the SSS land) as required under **Policy OC5(A), Point a**.

Policy GP8 (Design)

We would question whether the design of the building can reasonably be referred to as a single storey agricultural building. We would suggest it more closely resembles a 1.5 storey log cabin suitable for residential or visitor accommodation. The structure at the north end is clearly not a standard log store - it is a balcony (which would overlook the three adjacent properties).

We note that the proposed building extends to over 60sqm and there would be associated hardstanding in excess of 50sqm. Therefore over 110sqm of open agricultural land would be developed. Due to the steep slopes and the requirement for extensive leveling and landscaping such as the sleeper wall, the entire parcel of land measuring c.500sqm would effectively be lost to this development.

We do not believe that the proposals meet **Policy GP8** as the plans are not of an appropriate design (**Point a**), do not demonstrate the most efficient use of the land (**Point b**), and do not respect the open landscape (**Point c**) or reinforce the local character (**Point e**). In addition, as the building would be elevated to a considerable degree above the boundary wall of the neighbouring property, effectively overlooking and overshadowing the three adjoining properties, the plans do not consider the health and well-being of the neighbours (**Point d**).

Policy GP1 (Landscape Character and Open Land)

We would highlight that due to the topography of the site, the proposed development would be visible from much of the west coast between L'Eree and Portelet. The visibility of the property is directly comparable to the location of a previously proposed building associated with new vineyards at Pleinmont - that site lies across the road from the Seascope property and that planning application was refused.

We attach two photos of Seascope taken from Rocquaine Bay. We wish to point out that the existing fire pit is visible in the unedited photo and the proposed building would be considerable higher than the position of that pit (second photo). Also, since the photo was taken in 2019, all of the pines on the National Trust land downslope of the site have been removed, significantly increasing the visibility of the Seascope land.

We propose an alternative location for a smaller agricultural store immediately adjacent to the house - this is to the north-west side of the dwelling and to the side of the main windows which face to the north-east. The land slopes much less severely in this location and the existing development would form a backdrop to a new building reducing its visual impact on the west coast.

We would suggest that the existing proposals do not meet **Policy GP1** as they do not respect the landscape character (**Point a**) and result in unacceptable loss of the character of the wider landscape (**Point b**). We would also highlight that the building would be visible from a public footpath on adjoining National Trust land within the SSS designation. As such, it would not improve visual access to open land (**Point c**).

With the above in mind, we wish to oppose the application.

Summary of Issues:

Whether the proposed building is ancillary or ordinarily incidental to the agricultural use of the land;

Whether there are other buildings or structures which could be used for the proposed purposes;

Impacts on open land, openness, visual amenity and landscape character;
Impacts on ecology and biodiversity;
Impacts on neighbour amenity.

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).**

The application is purportedly for the erection of an agricultural store. As noted above, the part of the site on which the structure is to be constructed is located outside of the domestic curtilage and comprises agricultural land, located within an Agriculture Priority Area and Outside of the Centres within the Island Development Plan. The policy gateway for the proposal would therefore be Policy OC5(A).

Policy OC5(A) only allows for development where it is related to the use of an existing farmstead or agricultural holding, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use of the site. The definitions of a farmstead and agricultural holding are set out within the Glossary of the Plan, and the application site would not meet those definitions. The proposal would only therefore be acceptable where it is for a purpose ancillary or ordinarily incidental to the existing principal agricultural use of the site, and where there are no other buildings or structures which could, with or without reasonable adaptation, be otherwise used for the proposed purposes.

It is contended within the application that the site comprises an established agricultural site, and the submission itemises the equipment to be stored within the proposed building. Within the application material it is stated that the land is managed for hay, however no evidence has been provided to support this, and in other parts of the submission the land is stated to be kept as a wildflower meadow. Whilst it is accepted that the land use classification of the land is agricultural, there is little evidence of active agricultural practice at the site. Furthermore, whilst much of the itemised machinery was seen on site at the time of the site visit (largely stored within the integral garage), and is therefore clearly kept on site, it has not been evidenced that such machinery is required and proportionate to any agricultural use of the land, and does not appear to align with the stated purpose of producing hay. On the basis of the information available, it appears likely that the majority of activity on the land relates to maintenance of borders and trees, together with management of the grass, as opposed to any specific agricultural use. A log store is also identified on the proposed plans however there is no indication whether the logs to be stored would be sourced from on or off site, and the position on the building would be particularly exposed to the elements, which would appear to limit its functionality. Additional to the nature and scale of the cited storage requirements, the design and construction of the proposed building is not of the form generally utilised for agricultural purposes, rather the building appears as a domesticated structure complete with balcony, reinforced by the

associated landscape works proposed to access the building. In light of the above, it has not been demonstrated that the development would be for a purpose ancillary or ordinarily incidental to an existing principal agricultural use of the land. The proposal would not therefore comply with the requirements of Policy OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas).

It is understood that the domestic curtilage of the site is limited relative to the dwelling size, and that the applicant owns a number of vehicles, both personal and associated with the maintenance of the property, which now exceed the storage space within the garage associated with the dwelling. These factors were however known both at the point of development and at purchase of the property. This does not in itself justify the provision of additional storage outside of the domestic curtilage.

In addition to the above, Policy GP1 states that development will not be supported where it would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area, and requires development to respect the relevant landscape character type within which it is set, considerations reinforced within Policy GP8.

The application site is located towards the top of the Coastal Escarpment (which drops away to the north), below the plateau at the cliff tops, as identified in Annex V: Landscape Character of the IDP. The escarpment is described as a transition zone with a steep, tree-covered character forming a backdrop in views from the lower coastal areas, and the area around the application site is characteristic of this landscape type, forming a well-wooded and steep slope rising above Rue du Portelet and Portelet Bay, and visible in long views from across the bay.

The northern part of the application site, and the proposed area of development, sits towards the top of this slope, with the land dropping away steeply to the north and east, and is visible between and above the tree tops in views from Rue du Portelet, the adjacent National Trust area and the beach/piers to the north, and from the public footpath to the east and adjacent informal footpaths on the rising land to the east of that path. Whilst it is acknowledged that scattered development can be characteristic of the landscape type, the proposed development would be detached from existing built form, would sit above the height of the adjacent boundaries and would form an intrusive and, as discussed above, unnecessary feature in the landscape, having an unacceptable impact on the landscape character of the area. The proposal would not therefore comply with Policy GP1 (Landscape Character and Open Land) or Policy GP8c). Whilst the existence of a fire pit adjacent to the area of the proposed development is acknowledged, there is no evidence of consent being issued for that firepit and aerial photograph regression shows that it was installed between 2016 and 2019, by a previous owner of the site. Whilst action cannot be taken to require removal of the firepit, it is not authorised and does not in any way infer a change of use of the land, nor would it set a precedent for further development in this location.

Concerns have also been expressed through consultation and representation relating to ecological impacts of the proposed development, particularly in relation to the adjoining Sites of Special Significance (SSS).

In terms of the site itself, the 2018 Habitat Survey showed the majority of the site area as Improved Grassland, with planted mixed woodland along the north boundary and dense scrub in the north-east corner, in the area of the proposed development. Subsequent to that survey, the north-east corner of the site has been cleared and now comprises a sloping area of grass with patches of bare earth. The management of the site is likely to have extended the improved grassland designation into that area and consequently reduced the ecological value. In terms of physical impacts on habitat, the effects of the proposed development would therefore be limited.

In terms of surrounding SSSs, the SSS to the north immediately abuts the site boundary, adjacent to the proposed area of development, and covers an area of woodland extending away from the site to the north and north-west. That site is detached from a further SSS abutting the east boundary of the site, to the south of the proposed area of development, and extending away to the east. These sites are however of sufficient proximity to ensure each complement and reinforce the value of the other, and it is noted that there is a bat box immediately adjacent to the boundary. Whilst it is considered that the proposed development has potential to result in additional impacts on the SSSs, it is not located within the SSS designation. Neither, as the proposal does not comprise a change of use, would the Strategy for Nature requirements for biodiversity enhancement apply in this case. Whilst were the application to be recommended for approval mitigation measures could be sought, it is concluded that impacts on the SSSs would not in and of themselves justify refusal of the application.

In terms of neighbour amenity, the proposed area of development is located c30m to the south-west of Trinity House Cottages and is elevated above those properties, with ground level at the application site located approximately at the ridge height of the adjacent cottages. Whilst the proposed building would be prominently elevated above the adjacent properties, on balance, taking into account the distance involved, it is considered that any overbearing or overshadowing impacts would not be sufficient to warrant refusal of the application and the proposal would accord with Policies GP8d) (Design) and GP9b) (Sustainable Development) in respect of those considerations. It is noted that there is potential for overlooking of the adjacent properties from the proposed log store. Notwithstanding the stated purpose of the building for agricultural use, were the application to be approved further consideration would be given to this element to ensure no adverse impacts on neighbour amenity.

As set out above, it is understood that the domestic curtilage of the site is limited relative to the dwelling size, and that the applicant owns a number of vehicles, both personal and associated with the maintenance of the property, which now exceed the storage space within the garage associated with the dwelling. It is further appreciated that the proposed location has been selected due to its discrete position, relative to the dwelling at the site, and the topography, which would limit the functional use of that particular area. The application however fails to demonstrate that the proposed building and associated works would be for a purpose genuinely ancillary and incidental to a principal agricultural use of the site, and the proposal comprises an unjustified, and therefore unnecessary, intrusion into the undeveloped wooded escarpment, to the detriment of the landscape character. The proposal is therefore contrary to Policies

OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas), GP1 (Landscape Character and Open Land) and GP8 (Design) and consequently it is recommended that the application be refused.

Date: 18/03/2026

