

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 agricultural store and decking area over lake, to north of lake side (site of Protected Building).

LOCATION: Le Groignet, Rue A L'Eau, Castel.

APPLICANT: Mr M Martin

I refer to the application referred to below received as valid on 30/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/12/2025

Drawing Nos: Arch+ - 229-3-306, 313,

Application Ref: FULL/2025/1505

Property Ref: D002810000

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 building would be situated on agricultural land within the Agriculture Priority Area that could contribute to the commercial function of the Agriculture Priority Area. The scheme has not demonstrated that the land could not be used for agricultural purposes within the Agriculture Priority Area and therefore fails to accord with the aims of Policy OC9 iii), and by extension Policy OC5(A) 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/2025/1505
Property Ref: D002810000
Valid date: 30/09/2025
Location: Le Groignet Rue A L'Eau Castel Guernsey GY5 7AL
Proposal: Erect agricultural store and decking area over lake, to north of lake side (site of Protected Building).
Applicant: Mr M Martin

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed building would be situated on agricultural land within the Agriculture Priority Area that could contribute to the commercial function of the Agriculture Priority Area. The scheme has not demonstrated that the land could not be used for agricultural purposes within the Agriculture Priority Area and therefore fails to accord with the aims of Policy OC9 iii), and by extension Policy OC5(A) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Le Groignet, Rue A L'Eau is a detached dwelling. A detached outbuilding is situated to the southwest of the main house and an area of parking is also situated to the front of the property. The lake and area that is the subject of this application are situated to the north of the house, outside the recognised domestic curtilage and in a part of the site that has tree coverage. A Guernsey Water site is situated to the north, and that site forms the corner with Kings Mills.

The site falls within the Valleys landscape character (Annex V of the IDP) and it is noted that the valleys provide one of the main areas where woodland survives in Guernsey. The naturalised woodland appearance is considered a distinctive feature in the landscape around the lake with a positive contribution to the landscape character and appearance of the area.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. Land to the west is within an Area of Biodiversity Importance. The property is a protected building. The whole building, together with the outbuildings and roadside arched entrance (situated to the southeast of the site) fall within the protected building listing.

Relevant History:

Pre-application advice was sought in this case.

FULL/2025/1409 - Demolish low wall, install replacement roof covering with rooflights to south-east elevation, internal and fenestration alterations to outbuilding barn (Protected Building) – under consideration

FULL/2025/1507 - Erect 1.5 storey outbuilding with covered terrace, raised walkway and external steps to lower agricultural terrace to north of property. Erect single storey agricultural outbuilding/tractor barn to south-east boundary (site of Protected Building) – under consideration

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The proposal relates to the erection of a maintenance building and associated deck on land adjacent to the lake at Le Groignet. The land is recognised as being agricultural for planning purposes. The proposed building is modest in size although does have the external appearance of a domestic summerhouse/outbuilding but the submission clearly outlines that its principal use will be in connection with the management of the surrounding land and lake.

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

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

Representations:

None.

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS) – Our advice is formed by both the application documents and the recent photographs from the Planning Service which evidence significant vegetation clearance and landscaping works.

We note that the land to which the application relates is designated as an Agriculture Priority Area and that the proposed development is not for agricultural purposes, being

described in the covering letter as meeting policy OC9 and so meets the definition of “formal outdoor recreation or informal leisure and recreational use”.

The covering letter describes that the site would not be able to be used for agriculture without resulting in environmental impacts, however, due to the works already undertaken on site, this land appears able to be put immediately into agricultural use (e.g. grazing). Therefore, the application has not evidenced that the site is no longer able to make a positive contribution to commercial agriculture in the area and does not appear to accord with Policy OC9. We therefore recommend that the application is refused.

The site of the application falls within an area proposed for designation as an Area of Biodiversity Importance (ABI) in the focused Review of the Island Development Plan. This area, referred to as ‘Rue a l’Eau’ in the report assessing proposed new ABIs (Environment Guernsey, 2021) is described as supporting important ecological features such as nine different notable (i.e. rare or threatened) plant species and the UK red-listed song thrush. The report also references ‘over-intensive management (frequent mowing)’ as a threat to the site. The clearance works will likely have degraded the biodiversity value of this site and ongoing management for recreational/domestic use would be unlikely to allow that biodiversity to recover if not managed carefully.

Whilst this site has not yet formally been designated as an ABI, we would ask that the landowner is strongly encouraged to implement measures to revert the site to its former condition and managed appropriately to ensure that the biodiversity value is restored and maintained. The applicant may wish to consult with local environmental organisations or professional ecologists for guidance on how to restore and manage the site.

Summary of Issues:

The key issues relate to the principle of the proposed development and the effect of the proposals on the agricultural land within the Agriculture Priority Area.

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.

The IDP 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 (APA). The site is in the Agriculture Priority Area and policies in the IDP seek to retain agricultural land that could contribute positively to the commercial agricultural use of the APA.

Although the submission indicates that the proposed building will be used in connection with the management of the agricultural land its design and appearance is more domestic, this being further illustrated by the accompanying montages that accompany the submission which highlight domestic activities /uses. Furthermore, the building, whilst on agricultural land is in an isolated position and not situated adjacent to the high wall that will, following the grant of permission for steps between the areas of the site, have connectivity to the domestic part of the site.

When considering Policy OC5(A) it is apparent that there are currently no other (authorised) buildings on the agricultural land to be used for the purposes indicated in this application. The recent planning history demonstrates that there is a need for domestic storage (within the protected barn), domestic garaging (new garage proposal) and machinery storage (tractor store). There was also a small timber (unauthorised) shed situated on land adjacent to the pond/stream at the time of the officer site visit which was understood to be used for land management purposes and occasional livestock housing. As a result, there would be provision through Policy OC5(A) for a building that would be for a purpose ancillary and incidental to the existing principal agricultural use.

In addition, Policy OC5(A) sets out that proposals for development not linked to a farmstead or agricultural holding may be supported where they accord with all other relevant policies in the IDP. Consideration can therefore be given to Policy OC9 and informal leisure and recreation however, the key issue in this case is how the land could contribute to the commercial agricultural use of the land within the APA.

As ACLMS have noted, the land around the pond has been cleared and appears to have been seeded which means it could now be put to immediate agricultural use such as grazing without any adverse environmental impacts. Furthermore, the pond could be used in connection with the agricultural use of the land.

Although the applicant may not wish or intend to use the land for commercial agricultural purposes the land in its current form could contribute to the agricultural function of the Agriculture Priority Area and it does not mean that the land cannot be used for agricultural purposes.

In view of the above, therefore, the application has not evidenced that the site is no longer able to make a positive contribution to commercial agriculture in the area and would not therefore comply with Policy OC9 of the Island Development Plan and by extension Policy OC5(A).

The building will be substantially screened from view due to the well-established landscaping on the site and site topography. Its position is such that it will not result in harm to residential amenity (OC9 ii., GP1, GP8 and GP9) however, none of these matters overcome the conflict with Policy OC9 iii), and by extension Policy OC5(A) of the Island Development Plan.

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 or sites. The proposal will not have an adverse effect on the setting of any protected buildings in the surrounding area.

Date: 17/12/2025

