

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: Remove existing sand school, install relocated sand school with post and rail fencing and gates to north of site and erect fence to west boundary.

LOCATION: Les Messuriers Vinery, La Rue des Monts, Forest.

APPLICANT: M Robilliard

I refer to the application referred to below received as valid on 02/10/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/12/2025

Drawing Nos: Block Layout Plan (date stamped received 02/10/25); untitled aerial plan; Fencing, Sand school, and gates specification.

Application Ref: FULL/2025/1516

Property Ref: H005310000

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 glasshouse site is no longer in commercial use and is considered to be a redundant glasshouse site under the Island Development Plan. Under the Planning Law, and the policies of the Island Development Plan there is a presumption that when a commercial horticultural use ceases, the site will be cleared of all glasshouses and ancillary structures and returned to agricultural use. Policy OC7 provides a gateway to consider other forms of development in specific circumstances on redundant glasshouse sites. The proposal does not meet the criteria of Policy OC7 as the application site is situated within the Agriculture Priority Area and is surrounded by open and undeveloped land to the north, south-east, south and west and is clearly visible from and seen in context with large swathes of open and undeveloped land from Le Chene to the north, and from La Rue Des Monts to the east. The site contributes to a wider area of open land and consequently the development of this site as proposed would be contrary to criteria a) and b) of Policy OC7.

As a result, planning permission must be refused because no policy gateway applies to the development having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320).

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/2025/1516
Property Ref: H005310000
Valid date: 02/10/2025
Location: Les Messuriers Vinery La Rue des Monts Forest Guernsey GY8 OBD
Proposal: Remove existing sand school, install relocated sand school with post and rail fencing and gates to north of site and erect fence to west boundary.
Applicant: M Robilliard

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The glasshouse site is no longer in commercial use and is considered to be a redundant glasshouse site under the Island Development Plan. Under the Planning Law, and the policies of the Island Development Plan there is a presumption that when a commercial horticultural use ceases, the site will be cleared of all glasshouses and ancillary structures and returned to agricultural use. Policy OC7 provides a gateway to consider other forms of development in specific circumstances on redundant glasshouse sites. The proposal does not meet the criteria of Policy OC7 as the application site is situated within the Agriculture Priority Area and is surrounded by open and undeveloped land to the north, south-east, south and west and is clearly visible from and seen in context with large swathes of open and undeveloped land from Le Chene to the north, and from La Rue Des Monts to the east. The site contributes to a wider area of open land and consequently the development of this site as proposed would be contrary to criteria a) and b) of Policy OC7.

As a result, planning permission must be refused because no policy gateway applies to the development having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320).

OFFICER'S REPORT

Site Description:

The application site consists of two parcels of agricultural land which are located within an Agriculture Priority Area as designated in the Island Development Plan. The land parcels adjoin and are physically accessible with one another.

The land parcel to the south consists of stables to the south, a sand school to the western part of the field, and an enclosed area of land to the north. The 2022

orthophotograph appears to show that the northern section of land was previously used to house pigs. Condition 6 of planning permission FULL/2016/0678 noted that the sand school is to be removed and the land restored to its former use and condition once the applicant ceases to utilise the sand school.

The larger land parcel to the west, features a large span of glass, which once encompassed almost the entire land parcel as shown on the 2009 orthophotograph. Evidence of the metal frames of the glasshouse around the perimeter of the site are still visible today.

A large section of glass, located to the eastern part of the glasshouse has been removed from the site since 2009. The frame of the roof and supporting metal upstands remain today, albeit without the glass.

The majority of the glasshouse, approximately 60% of the former glass house, currently remains in situ.

Relevant History:

Reference No	Description	Decision	Date
PREA/2025/0136	Clad part of existing greenhouse and change of use of greenhouse to an agricultural building. Demolish greenhouses and create a sand school, alter existing sand school, remove water tank, create additional vehicle access and reclad boiler house.	Pre-application enquiry	2025
PREA/2022/1910	Erect agricultural building.	Pre-application enquiry	2022
FULL/2016/0678	Create sand school, erect post and rail fencing, install gate and remove hedge.	Granted	2016
FULL/2010/2297	Close existing and create new agricultural access.	Granted	2010
FULL/2010/0279	Demolish greenhouses at rear and erect wooden stable block, erect post and rail fence along east, south and west boundaries and gate at west boundary, replace existing hedge at rear and plant trees and hedges at rear east and west boundaries.	Granted	2010
PAPP/2009/0410	Extend curtilage	Granted	2009
PAPP/2006/1097	Create vehicular access to existing vinery	Refused	2006

Existing Use(s):

Agriculture
Sand school

Brief Description of Development:

Planning permission is sought to remove an existing sand school and relocate and install a larger sand school on the northern field. It is also proposed to install post and rail fencing and gates and erect fencing along the west boundary.

The proposed sand school will be 60m x 20m, surrounded by 1.2m high post and rail fencing. It is understood from the drawings submitted, that the sand school would comprise a compacted sub-base, geotextile membrane, clean draining rock, OT40 mats, and a footing layer, finished with a NWB membrane, silica sand, and rubber chippings.

Notwithstanding the drawings, the applicant has noted that the proposal may not require drainage rock as they believe the site already has sufficient drainage and would not seek to install rubber chippings on top.

It is noted that the applicant would be willing to install a 1.85m high solid fence along the east boundary of the field, adjoining the neighbour's property, subject to the Authority's agreement.

The new gateway through the existing glasshouse will be 2.5-7m wide.

No lighting is proposed as part of the development.

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

OC7: Redundant Glasshouse Sites Outside of the Centres

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable development

Defining Redundant Glasshouse Sites - Supplementary Planning Guidance (2018)

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for the above referenced application, which were received by email on the 3rd October 2025, and I am currently of the opinion there is insufficient information to comment on the application.

I request further information in relation to the proposed operating hours of the new sand

school and how, if they do, this varies from the existing sand school.

Additionally due to the past history of the land, which was previously fully covered by heated glasshouses, the standard full contaminated land condition will be recommended.”

Summary of Issues:

The main issue in deciding this application is:

- Whether the site is a redundant glasshouse site and whether there is a policy gateway for the proposal.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Legal Context

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Under Section 45A of the Law, glasshouses and their ancillary structures are considered to be agricultural land and so on clearance of the structures, the land is expected to revert to agricultural use. In this regard, glasshouses and temporary/ancillary structures (including packing sheds) are considered as temporary structures sited on agricultural land.

Policy Context:

The IDP gives clear direction on how proposals for development on certain agricultural land will be considered. The IDP states in paragraph 17.3.1 that:

“...certain agricultural land, which is horticultural land or a redundant glasshouse site, will be considered against the specific policies relating to this particular type of agricultural land because of the particular land planning issues it raises, i.e.

horticulture or redundant glasshouse sites Outside of the Centres in this Plan (see Policy OC6: Horticulture Outside of the Centres and Policy OC7: Redundant Glasshouse Sites Outside of the Centres)”.

The IDP recognises that across the island there are a number of redundant glasshouses and associated structures that impact upon landscape character and openness. Policy OC7 flows from, and reflects, the Strategic Land Use Plan (SLUP) and the legal context. Policy OC7 applies to redundant glasshouse sites Outside of the Centres and sets out the presumption that when a horticultural use ceases and the site is no longer required or capable of being used (i.e. is redundant), it will be cleared of all glasshouses and ancillary structures and returned to agricultural use. Reflecting this presumption and the objective of the IDP to maintain and enhance the landscape character and openness where possible, Policy OC7 requires redundant glasshouse sites to pass the following two tests before their development can be considered:

- (a) the site is not within or adjacent to an Agriculture Priority Area, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse environmental impacts or where proposals are for renewable energy infrastructure and the design would allow agricultural activity to continue on the site; and
- (b) the site would not contribute positively to a wider area of open land.

Where agriculture is not a viable option and where the site does not contribute positively to a wider area of open land, the policy then offers limited support for other specified forms of development depending on their location and other planning considerations, where this would secure removal of redundant structures and would address the legacy of negative visual impact that redundant glasshouses have throughout the Island.

Within the Agriculture Priority Area (APA), Policy OC5(A) provides general support for development proposals relating to the agricultural use and also supports change of use away from agricultural use if it is in accordance with all other policies of the IDP.

Redundant glasshouse site:

The IDP addresses the issue of redundant glasshouse sites through Policy OC7 and offers limited support for certain development proposals on some redundant glasshouse sites Outside of the Centres, depending on their location in order to secure the removal of redundant glasshouses, and their ancillary structures, and deliver enhancement of visual amenity and landscape quality.

Whilst a small proportion of the interior of the glasshouse is being used for growing vegetables (asparagus), the majority of the interior of the glasshouse is not in agricultural use and is clearly not used in this manner.

The Supplementary Planning Guidance 'Defining Redundant Glasshouse Sites', states that the IDP defines a Redundant Glasshouse Site as:

'a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose. Often the condition of such structures will deteriorate over time through lack of use and management to leave only partial remnants of structures.'

Given that the condition of the glasshouse and its very limited use for growing, the first element of this definition is met.

The second element of this definition refers to a *"redundant glasshouse site where there is visible evidence of substantial superstructures still remaining on the site, the clearance of which will have a positive impact on visual amenity and landscape quality and character. This must include a glasshouse or substantial part of the above ground structure (superstructure) of a glasshouse, which may or may not be in a state of disrepair."*

In this case, it is clear that the application site features a 'superstructure' on the land and therefore fulfils the second part of this definition.

It is therefore it is reasonable to conclude that the glasshouse is redundant for the purposes of Policy OC7 and the Supplementary Planning Guidance.

Policy Gateway:

The site constitutes a redundant glasshouse site and therefore Policy OC7 provides the policy gateway to consider development on this site.

For the principle of the development to be acceptable, the proposal must satisfy the criteria of Policy OC7 before considering other policies. For the purpose of this report, the proposal will be assessed against each criterion in turn.

Proposals to develop redundant glasshouse sites will be supported where:

- a. the site is not within or adjacent to an Agriculture Priority Area, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse environmental impacts or where proposals are for renewable energy infrastructure and the design would allow agricultural activity to continue on the site;*

No evidence has been submitted by the applicant on this point. The application site is situated within the Agriculture Priority Area (APA) and forms part of an extensive swathe of open agricultural land to which this site would undoubtedly positively contribute, once the glass and all ancillary structures were cleared.

b. the site would not contribute positively to a wider area of open land;

Open/agricultural land surrounds the site and it is considered that the clearance of all remaining glasshouses and ancillary structures would result in a site that positively contributes to the wider area of open land. Views of the site are achievable from the north and east.

Criteria c)-h) of Policy OC7, only apply where criteria a) and b) as noted above are satisfied and provide for a range of acceptable alternative uses of redundant glasshouse sites. This includes the outdoor formal recreation or informal leisure and recreation uses in accordance with Policy OC9.

Furthermore, Policy OC7 also requires the demolition and clearance of all other remaining glasshouses and ancillary structures which does not form part of this application.

In conclusion, the development of this site as proposed would be contrary to criteria (a) and (b) of Policy OC7. On this basis there is no policy gateway to consider this development and in light of the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme [2002] (Civil 320)*, the application must be refused and there is no need to consider the proposal further in respect of other matters such as; removing the existing sand school, the principle of the new sand school, and the design adopted.

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; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties.

However, as the principle of the development fundamentally conflicts with Policy OC7, these matters have not been considered.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not have any impact on protected trees, monuments, buildings or SSS's.

Date: 15/12/2025

