

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: Convert and alter building to create dwelling, change of use of agricultural land to domestic curtilage (195sqm) and associated works.

LOCATION: Les Poidevins, St. Andrew.

APPLICANT: Mr M Yabsley

I refer to the application referred to below received as valid on 13/10/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 16/02/2026

Drawing Nos: PF+A: 7909-01 B1 Rev A, B2, B3

Application Ref: FULL/2025/1577

Property Ref: K00274A000

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 agricultural building is part of an agricultural holding and is well related and connected to the surrounding agricultural land, located within the Agriculture Priority Area (APA) as designated on the Island Development Plan Proposals Map. Insufficient justification has been submitted to satisfactorily demonstrate that the building is redundant for the purposes of Policy GP16(A) and OC5(A). Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current owners, in order to limit development Outside of the Centres to accord with the overall Spatial Strategy.

The building is capable of being used for agricultural related purposes e.g. to house livestock or equipment, that could reasonably serve the commercial agricultural industry either now, or to respond to the future needs of the agricultural industry.

The application has not satisfactorily demonstrated that the building is no longer required or capable of being used for the commercial agricultural industry (i.e. its current or last known purpose), and therefore the proposal is contrary to criterion a) of Policy GP16(A) and Policy OC5(A).

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/2025/1577
Property Ref: K00274A000
Valid date: 13/10/2025
Location: Les Poidevins St. Andrew Guernsey GY6 8TZ
Proposal: Convert and alter building to create dwelling, change of use of agricultural land to domestic curtilage (195sqm) and associated works.
Applicant: Mr M Yabsley

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The agricultural building is part of an agricultural holding and is well related and connected to the surrounding agricultural land, located within the Agriculture Priority Area (APA) as designated on the Island Development Plan Proposals Map. Insufficient justification has been submitted to satisfactorily demonstrate that the building is redundant for the purposes of Policy GP16(A) and OC5(A). Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current owners, in order to limit development Outside of the Centres to accord with the overall Spatial Strategy.

The building is capable of being used for agricultural related purposes e.g. to house livestock or equipment, that could reasonably serve the commercial agricultural industry either now, or to respond to the future needs of the agricultural industry.

The application has not satisfactorily demonstrated that the building is no longer required or capable of being used for the commercial agricultural industry (i.e. its current or last known purpose), and therefore the proposal is contrary to criterion a) of Policy GP16(A) and Policy OC5(A).

OFFICER'S REPORT

Site Description:

The application site consists of a cluster of agricultural buildings which formed part of a former farmstead, known as Les Poidevins Farm. The agricultural buildings associated with the parcel of land in question are not Protected, are closely related and are surrounded by agricultural fields to the north, east and west. The surrounding fields are interconnected with one another. The agricultural buildings are accessed via a right-of-way over land belonging to Les Poidevins (the former farmhouse).

The agricultural buildings are located to the rear of the original farmhouse (Les Poidevins), albeit now under separate ownership. The farmhouse and associated domestic outbuildings, on adjacent land, are all protected buildings. The listing states that *“the whole of the complex of buildings presently known as Les Poidevins, Les Poidevins Road, together with the outbuildings, walls, railings and paving, the whole situate on the north-eastern side of Les Poidevins Road, St. Andrews.”*

The application site lies within an Agriculture Priority Area and is Outside of the Centres as designated on the Island Development Plan Proposals Map.

Relevant History:

None germane to this application.

Existing Use(s):

Agricultural Use Class 28.

Brief Description of Development:

Planning permission is sought to convert and alter an agricultural building to create a two-bedroom dwelling-house, as well as changing the use of agricultural land to domestic curtilage (195sqm).

The application has been supported by a Structural Engineer’s report, a GP16 (A) report to address ‘Redundancy’, and a Design and Sustainability report.

The building in question is understood to be a former cattle shed as set out in the agent’s covering letter dated 23rd September 2025, built sometime after 1963 (based on aerial photographs).

The building consists of a single storey agricultural shed with rendered blockwork walls, concrete slab floor, and cementitious roof panels, supported on purlins and frames. It is likely that the building was extended on the south elevation with a single storey monopitch roof extension.

The building is adjacent to a protected building to the south, associated with Les Poidevins, and is bounded by an agricultural track to the north and west, and agricultural land to the east. Similar sized agricultural buildings lie to the north and east of the building in question, with an open storage area to the west.

The application was deferred to request further information in relation to the change of use of the agricultural building to a dwelling-house to ensure that the building is no longer required, or capable of being used for its current or last known purpose.

In response, the agent has clarified the following:

- Dairy farming ceased on the site in 1992. The herd was retained to graze the land only, not for dairy farming, and the herd was later destroyed in 2001 due to foot-and-mouth. The building has not been used since.
- Photographs show that the building was used for dairy farming, with feeders and troughs still in place today.
- The building has not been used for any other purpose and is not required for any other purpose or agricultural use.
- There are other buildings that provide general storage, and storage for agricultural machinery to maintain the land.
- The more modern shed (labelled 'Shed') provides storage for modern equipment while the 'Open store' provides cover for larger machinery such as a tractor, trailer and an agricultural buggy. These are used by the applicant to manage the land, including the hedgerows and trees around the site.
- The building has been redundant since 2001.
- It is not suitable for modern dairy farming and whilst structurally sound, it is in basic/poor condition.
- The building would need substantial investment to accommodate a dairy herd today but is not large enough to serve a herd of more than 20 cows, all of which result in an unviable position.
- Similarly, it would not be of a size and condition suitable for other agricultural uses, and there has been no interest from tenants of the fields to also use the building.
- The tenant of the upper fields grazes cows on the land but has their own farmstead with the necessary accommodation and storage.
- The remaining fields are merely maintained and cut back by the applicant as these are not desirable or required. A plan showing land tenanted and maintained by the applicant has been provided.
- Being a small holding, commercial farming is not viable.
- The fields however can continue to be protected as part of the wider countryside/open space and be used by third parties to supplement their own farmsteads, which would be unaffected by conversion of this redundant building.
- Furthermore, this building can be converted and reused without removing any useful agricultural land or having a negative environmental impact.
- The amenity is formed over brownfield land, and the dwelling is accessed directly from the existing track. The existing grass verge is proposed to be retained, meaning no loss of soft landscaping.
- Finally, the original farmhouse that would have been the principal residence for the farming family was sold in 2008.
- The fields and outbuildings have been retained by the applicant's family. The land is maintained and leased to 3rd parties but no commercial farming activity has been undertaken, nor has it been deemed viable.
- The conversion of this redundant building appears to provide a very good opportunity to re-use a building in a sustainable way and create a modest dwelling to contribute to Guernsey housing stock.

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

OC1 Housing Outside of the Centres

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

GP1 Landscape Character and Open Land

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

GP15 Creation and Extension of Curtilage

GP16(A) Conversion of Redundant Buildings

IP7 Private and communal parking

IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance - *Strategy for Nature (2020)*.

Practice Note - *Making an application for conversion of a redundant building (Policy GP16(A))*

Authority's website - *Development within Agriculture Priority Areas which is not for agriculture purposes*.

Representations:

None.

Consultations:

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

"I have reviewed the proposed plans for Les Poidevins which were received by email on 17th October 2025 and there are a number of issues of concern that I must raise. The historic use of the building was for a cattle shed and has not been used for this purpose for years, as such the risk of land contamination from this use is low. Being on a farm it is possible that the building and surrounding land has been used for other purposes and as such I would recommend the Planning Authority apply a discovery strategy condition to any permission granted.

Discovery Strategy

- If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.*

I would be grateful if these issues are considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Agriculture, Countryside and Land Management Services' – original comments:

“We are writing in response to the request for comments received on 5 December regarding the application to convert and alter a farm building to create a dwelling and the change of use of agricultural land to domestic curtilage (195sqm) at Les Poidevins, St Andrews.

As described in the application covering letter, we note that the site is designated as an Agriculture Priority Area (APA) in the Island Development Plan. The building falls within an area of agricultural land which is currently being used for commercial agriculture, and the building is described within the GP16A response as having been used as a cattle shed whilst the wider farm holding at Les Poidevins was run as a dairy farm.

In the previous two reviews of the dairy farming industry (2014 and 2025) infrastructure, and farm buildings in particular, were described as being in short supply and this lack of availability of buildings is reported as being a challenge to existing farms.

The building to which this application relates appears to be of sufficient size (81sqm, which could house up to 40 calves or 7 large cows) and has all necessary utilities so that it could be used as housing for livestock, or storage for agricultural equipment used to manage the adjacent fields. We note that it is not directly adjacent to a milking parlour, however this is unlikely to be a barrier to its use by a dairy farm as many farms in Guernsey house their young stock off site from their main dairy herd. It is equivalent in size and condition to many farm buildings that are in use by the dairy industry.

Given the above, and its location within a larger block of agricultural land, this site is likely to be able to make a positive contribution to the commercial agricultural use in the area and therefore it does not appear to accord with the relevant clause in GP15.

We therefore recommend that this application is not approved.”

Agriculture, Countryside and Land Management Services’ - further comments:

“My only comments in response to the information are provided below.

- 1. Whilst the case is made that the building is not currently used for agriculture, or desired for such purpose by the current owners, they have not provided any evidence to demonstrate that it cannot make a contribution to commercial agriculture. Our previous comments therefore still apply, namely that this building is able to make a positive contribution to commercial farming as housing for livestock or storage for agricultural equipment.*
- 2. The map they have supplied in the response (Appendix B: Overview of land use) appears to be at odds with what is visible on the most recent aerial photograph (taken 29th April 2025) which appears to show cattle grazing in the field to the east, and a ryegrass ley in the field to the west.”*

Summary of Issues:

The main issues in deciding this application are: -

- Whether the building is redundant and whether the loss of the building would have an unacceptable effect on the agricultural industry
- Whether the principle of conversion to residential use is acceptable
- Whether the existing building is of sound and substantial construction
- Whether the existing building is capable of conversion without extensive alteration or rebuilding
- Whether the change of use of agricultural land to domestic curtilage is acceptable
- The impact of the development on the setting of the adjacent protected building
- The impact of the development on the character and appearance of the surrounding area
- The impact of the development on neighbour amenity
- Highway and access issues

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.

Policy Context and Gateway:

Policy OC1 provides for new residential development Outside of the Centres only, *“where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.”* The policy text goes on to clarify that proposals for the conversion of redundant buildings to dwellings will be considered under policies GP16(A) and GP16(B).

Policy GP16(A) 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 GP16(A) before considering other policies, including Policy OC5, GP15, GP1 and GP8, amongst others.

The overarching question is whether the proposal complies with criterion a) of Policy GP16(A), namely whether it has been demonstrated that *‘the building is no longer required or capable of being used for its current or last known purpose’*.

For the purpose of this report, the proposal will be assessed against each criterion of Policy GP16(A) in turn.

The conversion of an existing building will be supported where:

- a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;*

The Authority needs to be satisfied that the existing agricultural building is genuinely redundant prior to considering other factors below. In helping to reach the Authority's decision, the preceding text of Policy OC5(A) gives wider context in terms of assessing the need for an agricultural building over different timescales, i.e. now and in the future, in order to respond to the future requirements of the agricultural industry and ensuring that the industry's requirements are not adversely affected or weakened as a result. It is noted that:

*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** (emphasis added) and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. It guides that the Island Development Plan should focus on maintaining and protecting the most important, large areas of contiguous agricultural land and other areas well related to established agricultural operations identified as being of value to the industry whilst ensuring that land is available for other legitimate land uses (Paragraph 17.3.3).*

*However, 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** (emphasis added) 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 (refer to Policy GP15: Creation and Extension of Curtilage and Policies GP16(A): Conversion of Redundant Buildings and GP16(B) Conversion of Redundant Buildings - Demolition and Redevelopment) (Paragraph 17.3.10).*

The existing agricultural building lies within an Agriculture Priority Area (APA). Whether the building is no longer required for its current or last known purpose, requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current owner. This test seeks to ensure that development Outside of the Centres limited to accord with the overall Spatial Strategy of the IDP.

The agent has provided additional information noting that the use of the building was originally associated with dairy farming, although this ceased in the early 1990s. The herd that remained on the land following the cessation of the dairy farm was destroyed in 2001, due to an outbreak of foot-and-mouth. The agent has explained that the building has not been used since, or for any other purpose, and is not required for agricultural use.

Notwithstanding these assertions, little evidence has been provided to substantiate these claims, other than internal photographs of the building which show that the feeders and troughs are still in place today. For example, internal and external photographs of the building have not been submitted over the years since the cessation of the dairy farm and therefore the building could have been used for other agricultural

related purposes such as agricultural storage to feed livestock, or for machinery to maintain the land.

Aerial photographs show physical evidence that the surrounding agricultural land has been used since 2001, including 2001, 2004, 2006, 2009, 2013, 2016, 2019, and 2025. No visible evidence is shown in 2022.

The application has not clearly demonstrated why the agricultural building cannot be used to serve the surrounding agricultural land, or the wider agricultural industry.

The agent has set out that *the other buildings on the site provide general storage, and storage for agricultural machinery to maintain the land*. Although it is unclear why this particular building cannot be used for storage of agricultural machinery, storage of feed or hay, or equipment too given the size of the agricultural holding. It would also appear that one of the agricultural buildings has been rebuilt sometime after 2016 based on aerial photographs.

The agent notes that the building would need substantial investment to accommodate a dairy herd today although is not large enough to serve a herd of more than 20 cows and therefore results in viability issues. However, Agriculture, Countryside and Land Management Services (ACLMS) note that the building potentially could house up to 40 calves or 7 large cows and has all necessary utilities which could be suitable for housing for livestock, feed or hay storage, or storage for agricultural equipment to help manage the adjacent fields.

The agent also notes that the site is not directly adjacent to a milking parlour, although ACLMS notes that this arrangement is not uncommon in Guernsey as many dairy farms house their young stock off site from their main dairy herd. Consequently, this is unlikely to be a barrier should the building be used for commercial agricultural purposes either now or in the future, which could have a positive contribution on the Island's commercial agricultural industry.

It is also important to note that the loss of this agricultural building could also diminish the ability of the site as a whole to positively contribute to the commercial agricultural industry either now, or in the future, especially as it is understood that the industry is in short supply of agricultural buildings of this size which could be useful to help support existing farms.

Overall, insufficient justification has been submitted to satisfactorily demonstrate that the building is genuinely redundant for the purposes of GP16(A) and Policy OC5(A). The size of the building, coupled with its sound and substantial construction, together with its location as part of a cluster of agricultural buildings surrounded by interconnected agricultural fields, leads to the conclusion that the building is capable of being used for its current or last known purpose, which could positively contribute to the commercial agricultural industry either now, or to respond to the future needs of the agricultural industry, in line with the direction of the Strategic Land Use Plan (SLUP) (Policy OC5(A)). The proposal is contrary to part (a) of Policy GP16(A) and OC5(A).

- b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;*

The proposal would result in the creation of a residential dwelling.

- c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;*

The application has been supported by a Structural Report which has demonstrated that the part of the building (the cattle shed) is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The later mono-pitched roof extension to the south of the cattle shed is in poor structural condition as set out in the Structural Report. It is noted that:

“the existing downstand beams supporting the ceiling/roof are slender and already propped. There are significant cracks generally to all external elevations, and does not appear that the building is properly tied into the original shed. It is not suitable for conversion and is proposed for demolition.”

It is noted in the conclusion of the Structural Report that:

“the existing part of the building (to be converted) is of sound and substantial construction and is therefore capable of conversion without extension alteration or re-building. The strengthening/stiffening of the roof as proposed retains the existing structure and the partial underpinning is of a minor nature when considering the overall conversion works, and the Architects have minimised alterations to the fabric and apertures of the building to minimise intervention.”

Consequently, the application has satisfactorily demonstrated that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding and therefore complies with criterion c.

- d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;*

The conversion of the agricultural building, together with the creation of domestic curtilage, is unlikely to adversely affect the setting of the adjacent protected building (south) of the application site.

- e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;*

The agricultural building has little architectural merit or historic interest and is set back from the main road. On this basis, the building is not considered to make a positive contribution to the character and appearance of the area and therefore the alterations proposed would not lead to any unacceptable impacts on the building's contribution to the surrounding area.

- f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;*

The conversion, if approved, could be implemented without having any unacceptable adverse impacts on the character and openness of the landscape given its secluded position.

- g. the conversion would not require more than modest extension to the existing building for it to be achieved;*

The proposal does not seek to extend the existing agricultural building in order for the conversion to be fulfilled. The application proposes to demolish the mono-pitched roof extension to the south of the former cattle shed.

- h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.*

Due to the scale, form, siting and orientation of fenestration and relationship to the neighbouring property to the south, the proposal is not considered to result in an adverse effect on the amenities of neighbouring residents.

Conclusion:

The application is contrary to the provisions of criterion a) of Policy GP16(A) and OC5(A). It is therefore recommended that the application be refused.

In *The Island Development Committee v Portholme* [2002], the Court of Appeal held that "... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed." Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

As the principle of the proposal is unacceptable due to the failure to meet Policy GP16(A) of the IDP, and in accordance with the Portholme appeal decision, further consideration has not been given to details of the application (e.g. the change of use of

agricultural land to domestic curtilage, design, biodiversity enhancement, the impact on landscape character and openness etc.).

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; however, having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320) these have been given limited further consideration in this case.

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

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

As set out above, the conversion of the agricultural building, together with the creation of domestic curtilage is unlikely to adversely affect the setting of the protected building located adjacent (south) of the application site.

Date: 13/02/2026

