

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: Change of use of agricultural land to domestic garden (825sqm).

LOCATION: La Roseliere, 29 Les Cherfs Estate, Rue Des Corneilles, Castel.

APPLICANT: Mr Andrzej Wiercinski

I refer to the application referred to below received as valid on 10/02/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 20/08/2026

Drawing Nos: Proposed Block Plan (dated 10/02/26) Biodiversity plan (dated 28/01/26).

Application Ref: FULL/2025/1892

Property Ref: D012950029

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 land subject of this application is part of a swathe of undeveloped land which includes naturalised woodland which is a distinctive feature in the landscape that positively contributes to the landscape character and appearance of the area. The proposal would result in a significant incursion beyond the extent of existing residential properties into a large swathe of undeveloped and naturalised landscape, and amounts to the unnecessary loss of undeveloped land to the detriment of the wider landscape character of the area.

The domestication of this land would also be likely to adversely affect the landscape character of the area, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies GP15(a) and GP1.

2. The information provided with the application regarding biodiversity enhancements across this site mainly specifies measures for maintenance of what

currently exists rather than additional measures which would make a positive contribution to enhance the existing biodiversity value of the site. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance.

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/2025/1892
Property Ref: D012950029
Valid date: 10/02/2026
Location: La Roseliere 29 Les Cherfs Estate Rue Des Corneilles Rue Des Corneilles Castel Guernsey GY5 7HG
Proposal: Change of use of agricultural land to domestic garden (825sqm).
Applicant: Mr Andrzej Wiercinski

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The land subject of this application is part of a swathe of undeveloped land which includes naturalised woodland which is a distinctive feature in the landscape that positively contributes to the landscape character and appearance of the area. The proposal would result in a significant incursion beyond the extent of existing residential properties into a large swathe of undeveloped and naturalised landscape, and amounts to the unnecessary loss of undeveloped land to the detriment of the wider landscape character of the area.

The domestication of this land would also be likely to adversely affect the landscape character of the area, for example through the introduction of domestic paraphernalia. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to Policies GP15(a) and GP1.

2. The information provided with the application regarding biodiversity enhancements across this site mainly specifies measures for maintenance of what currently exists rather than additional measures which would make a positive contribution to enhance the existing biodiversity value of the site. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance.

OFFICER'S REPORT

Site Description:

The property known as 'La Roseliere' is a 1970's two storey detached dwelling within an estate with varying styles. The property is set back from and faces south onto Les Cherfs Estate. There are neighbouring properties to the east and west and across the road to the south. To the north is open land which includes woodland planting. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

Pre-application advice in 2025.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of agricultural land to domestic garden (825sqm).

The application was deferred to seek further information regarding biodiversity enhancements having regard to the Strategy for Nature, 2020. Given the scale of the area of land to be given over to domestic garden a more comprehensive landscaping scheme was sought to ensure that a proportionate level of biodiversity enhancements was provided in line with the Strategy for Nature.

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

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

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Representations:

There have been three letters of representation and the issues are:

- La Societe Guernesiaise wishes to highlight that the site is part of a low-lying seasonally wet basin and is known to host orchids. It is therefore likely to support a range of other important plant species. In order to secure biodiversity enhancement, it is important that the current botanical value of the land is safeguarded through appropriate ongoing management practices.
- The application site is part of a wider area, and as we have seen in other areas of the Island a curtilage extension can lead to further applications by the neighbouring properties. It forms part of an area which is botanically rich, and should be surveyed to assess its environmental value before any permissions may be granted. Does what is proposed for the site offer biodiversity improvements, I would suggest it is doubtful. Crocosmia, is a non-native plant that because of climate change is occurring increasingly around the island, it would be a mistake to encourage it. In addition, White Lilies (Zantedeschia?), Guernsey Lily (N bowdenii?) and Agapanthus are all non-natives with little wildlife value.
- The land area is separated from the existing domestic curtilage by a stream, which defines its limit as a wetland copse, which invariably goes back into history, and well before the establishment of Les Cherfs as a residential estate.

- Such detrimental impact will invariably occur if the land is not allowed to remain in its current designation, as it forms the southern end of a wider (although restricted) area of unimproved land, marsh land and tree/bush sheltered copse, the last part of a wider area at Cobo which has been progressively diminished over the post war years through inappropriate development at various sites.
- High biodiversity is present and if subjected to more domestic species, it must be suggested that any rezoning of the area will cause soil changes which from a domestic aspect will be viewed as an 'improvement', but which will be contrary to the requirements of species such as orchids which require unimproved soil or grassland to survive.

Consultations:

Agriculture, Countryside and Land Management Services

24/02/26

Because the site already has mature trees, there is the risk that the proposed interventions could result in a loss of biodiversity (especially reference to more planting of ornamental plants e.g., crocosmias which are invasive) and so I would recommend that the landowner commissions an ecological assessment from a suitably qualified ecologist.

29/07/26

They are not proposing any enhancements, only retention of existing habitats, and have not really set out any aspirations for the site once converted to domestic curtilage. The existing habitats are priority habitats (mature woodland and wet grassland) and so there is a risk that any change to these high value habitats would result in a reduction in biodiversity.

06/08/26

We welcome the provision of the Biodiversity Statement which sets out the existing biodiversity value of the site. The report has identified that the area to which the application relates contains mature broadleaved woodland and wet grassland. Both of these habitats are considered priority habitats in Guernsey and are likely to support high levels of biodiversity.*

Whilst we note the application does not contain any proposals to alter the existing habitats, as a general principle the conversion to domestic curtilage does pose a risk to habitats such as these. It is likely to result in negative outcomes such as:

- i. the introduction of more intensive management, which would reduce the floral diversity of grasslands,*
- ii. greater disturbance, which would impact on the availability of the site for breeding birds, and;*
- iii. the introduction of inappropriate species, including potentially invasive non-native species.*

Furthermore, this site is part of a wider areas of broadleaved woodland and so the negative impacts of any change in management have the potential to impact the wider habitats connected to this site.

We welcome the commitment within the Biodiversity Statement to continue to manage the site as existing, however it does not appear that a change of use to domestic curtilage is required for that to occur.

We also note that the Biodiversity Statement recommends maintaining existing management but does not recommend any notable enhancements, with the exception of two new nest boxes. Therefore any change from the existing baseline that reduces biodiversity is likely to mean that this scheme would not result in an enhancement of biodiversity.

Given the potential impact to priority habitats and the lack of a meaningful biodiversity enhancements, we would recommend that this application is refused.

*(*A priority habitat is considered to be of conservation importance in Guernsey, either because they are scarce or declining, or because they support high levels of biodiversity or rare or threatened species.)*

Summary of Issues:

The key issues in this case relate to the principle of the change of use of the land, the impact on the character and appearance of the locality and adequacy of proposed biodiversity enhancement.

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 as set out in 2 below.

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

La Roseliere is one of 10 properties to the north side of the Les Cherfs Estate Road and all of the gardens back onto an area of Broadleaf Woodland (2018 Habitats Record) – the site subject of this application is part of that woodland, with the rest of the woodland to the west and north and a smaller part to the east.

The land is also noted as being part of the ‘Habitats of Conservation Importance’ layer within the States’ GIS system.

Within the Island Development Plan (IDP) Annex V Landscape Character the site is noted as being semi-rural as a character area, and within the Landscape Type the site is classed as being within the coastal landscapes, western bays.

The IDP states 'The bays are backed by a series of Mares (wetland/lagoons), but these have been separated from the coast by sea defences and the coast road. Development on the Mares and along the coast road impacts on the character of the coastal landscape.' It goes on to say 'The West Coast Mares were originally lagoons in the low flat land between the Bays and the Escarpment at the mouths of the Valleys. Since the construction of sea defences, they have progressively been reclaimed as grazing land or, particularly in the late twentieth century, as sites for new development.'

A review of the Guernsey Soil and Land Classification Map (1988) refers to the soil type as deep sandy/moderately deep and shallow sandy, which is generally very poor quality for agricultural land, it is also errs towards being very wet for a number of days per year, which helps with grass growth, but not necessarily crops.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance and no changes to the existing boundaries are proposed. The proposed change of use to domestic garden is not, in and of itself, considered likely to have a significant adverse impact on the amenities of neighbouring residents.

The application is accompanied by a Biodiversity Statement which sets out proposed land management principles and an indication of additional planting to be undertaken. This includes retaining and maintaining what is already there and undertaking additional boundary tree and hedge planting comprising of native species.

All of the management and maintenance of the land and the few proposed biodiversity measures could be introduced without the need to change the use of the land.

The land the subject of this application forms part of a swathe of undeveloped land including an area covered with broadleaved woodland which extends across the southern part of the undeveloped agricultural land. The size of the land parcel together with its naturalised woodland appearance is a distinctive feature in the landscape which positively contributes to the landscape character and appearance of the area. The proposal would result in a significant incursion beyond the extent of existing residential properties into the swathe of undeveloped and naturalised landscape, and amounts to the unnecessary loss of undeveloped land to the detriment of the wider landscape character of the area.

In addition, the domestication of this land is likely to adversely affect the landscape character of the area, for example through the introduction of domestic paraphernalia and the planting of formal domestic landscaping. Whilst revoking exemption rights would provide a degree of control over ancillary domestic structures and buildings, ancillary domestic structures and paraphernalia associated with a domestic use of the land (such as garden furniture, children's play equipment, ornamental landscaping and boundary treatments) would result in the suburbanisation of the land and would cause unacceptable harm to this otherwise undeveloped and naturalised rural landscape.

In this case the requirements to ensure the protection of open land and landscape character outweigh the reasonable expectations of the landowner to incorporate additional land into the curtilage of the adjoining dwelling. The proposal is contrary to IDP Policies GP15(a) and GP1.

In line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 1st September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted.

The application as originally submitted had not addressed the Strategy for Nature or any environmental benefits that would be implemented on site should planning permission be granted for the change of use of land. The applicant in this case was invited to address the Strategy for Nature and provide a proportionate Biodiversity Statement/landscaping scheme for the parcel of land subject of this application.

The Biodiversity Statement, although thorough, does not outline many biodiversity enhancements, which is expected for sites of this size. The report summary states that much of the grassland habitat would be managed to restore its high botanical value though appropriate annual maintenance regime. Various invasive species would also be controlled and some additional native hedge planting would be carried out on the boundary.

The scheme does not seek to provide meaningful enhancements which can make a positive contribution to biodiversity which is contrary to the adopted SPG, Strategy for Nature and all of the proposed maintenance can take place without the need for a change of use of the land.

For the reasons stated above the recommendation is for refusal.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 19/08/2026

