

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 (143sqm) and associated works.

LOCATION: Field At, La Grande Lande, St. Saviour.

APPLICANT: Mr A Ashplant

I refer to the application referred to below received as valid on 07/01/2026 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: A7 Architecture Limited - 19-1068-P4 PD/01

Application Ref: FULL/2026/0005

Property Ref: E00631B000+E006310000

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. It has not been satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies OC7(a), GP15(c) and OC5(A).
2. The site contributes to the wider area of open land through its visual connection to open agricultural fields to the north, south and west and is visible from La Grande Lande. In addition, the proposal would result in an obvious incursion beyond the extent of the existing residential property which would be at odds with the general landscape character of the area. The proposal would conflict with Policy OC7(b) and GP15(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/2026/0005
Property Ref: E00631B000+E006310000
Valid date: 07/01/2026
Location: Field At La Grande Lande St. Saviour Guernsey
Proposal: Change of use of agricultural land to domestic garden (143sqm) and associated works.
Applicant: Mr A Ashplant

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies OC7(a), GP15(c) and OC5(A).

2. The site contributes to the wider area of open land through its visual connection to open agricultural fields to the north, south and west and is visible from La Grande Lande. In addition, the proposal would result in an obvious incursion beyond the extent of the existing residential property which would be at odds with the general landscape character of the area. The proposal would conflict with Policy OC7(b) and GP15(a).

OFFICER'S REPORT

Site Description:

The site is to the west of La Grande Lande, behind the properties Che Bal and Les Lohiers, all three sites being within the same ownership. The site is an old vinery site, which once had 6 large glasshouses on site, now only an approx. 77sqm of one of the glasshouse remains in the southeast corner of the just under 2500sqm site. The property is located Outside of the Centres and is within the Agriculture Priority Area (APA) as defined in the Island Development Plan.

Relevant History:

FULL/2024/0627 - Erect 1.5 storey detached dower unit with balcony to west elevation (Revised Scheme) (Retrospective) – Approved June 2024.

FULL/2022/1310 - Erect 2 dormers to the east (front) and 1 dormer to the west (rear) elevation – Approved July 2022.

FULL/2019/1925 - Erect 1 1/2 storey detached dower unit – Approved January 2020.

FULL/2016/1821 - Extend domestic curtilage, demolish boiler house/store, remove hedge and earthbank and erect one and a half storey garage with office/studio above – approved October 2016 under the policies of the former Rural Area Plan.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to extend the domestic curtilage to include the remaining glasshouse. The change of use would be for 143sqm of agricultural land to domestic garden.

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

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

OC7: Redundant Glasshouse Sites Outside of the Centres

GP15: Creation and Extension of Curtilage.

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for Field at La Grande Lande, St Saviour which were received by email on 15th January 2026 and I recommend that the following condition is attached.

- There is potential for contamination on this land due to its former use as a growing site and the historic presence of several glasshouses. Should the applicant intend to grow consumables on this land, I recommend that they consider the potential for contamination and the associated risks.'*

Summary of Issues:

The main issues in deciding this application are: -

1. The loss of agricultural land within the Agriculture Priority Area (APA).
2. The impact of the development on the landscape character and openness of the area.

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.

The proposal to change the use of the land to domestic use falls to be considered principally under Policies OC5(A), OC7 and GP15 of the Island Development Plan.

Loss of agricultural land within the Agriculture Priority Area

Policy OC7 criterion (a) states:

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.

Criterion (c) of Policy GP15 contains a similar requirement regarding demonstration that the land 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.

The Island Development Plan 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.

Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. The Island Development Plan policies therefore allow for other

forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan.

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 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. The policies place the onus on the applicant to demonstrate that this is the case.

The Authority has published non-exhaustive guidance on matters that could be considered for such proposals. It is noted that *'When assessing if a particular site or land parcel can make a positive contribution to the commercial agricultural use of an identified Agriculture Priority Area, the following matters could be taken into account:*

- *What the requirements of the agricultural industry are at the time;*
- *The condition of the land (e.g. the grade and depth of the soil, any contamination, whether it is able to be used for agriculture or if not what may be required to make it available for cultivation or grazing);*
- *Whether the land can be used for agriculture without adverse environmental impacts;*
- *The size of the site/piece of land;*
- *How the site/piece of land relates to existing agricultural holdings;*
- *Access;*
- *Topography (including slope, gradient, etc);*
- *Flooding/Drainage;*
- *The nature of the proposed use (will the proposed use allow the long-term use of the land for agriculture to remain)."*

In this case, the site is within an APA and no justification has been submitted other than a sentence to say the access to the land is over the domestic curtilage (which is not unusual) and there is no existing through connection to the fields to the north and south, and there are stables to the west.

It has not been demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies OC7(a), GP15(c) and OC5(A).

The impact of the development on the landscape character and openness of the area

Policy OC7(b) requires that the site would not contribute positively to a wider area of open land, whilst Policy GP15(a) requires that a proposal to extend curtilage would not have an unacceptable detrimental impact on the landscape character.

In this case, the site does contribute to the wider area of open land through its visual connection to open agricultural fields to the north, south and west and is visible from La

Grande Lande. In addition, the proposal would result in an obvious incursion beyond the extent of the existing residential property which would be at odds with the general landscape character of the area.

The proposal would conflict with Policy OC7(b) and Policy GP15(a).

Implications of *The Island Development Committee v Portholme* [2002]

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.

Other matters

Policy OC7 iv. requires that proposals to develop redundant glasshouse sites include the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan. Although in this case the remaining glasshouse could potentially be used for domestic purposes, the extension of curtilage to incorporate this area within the domestic garden of the dwelling is not acceptable in principle for the reasons described above.

The requirement for biodiversity enhancements in line with the Strategy for Nature have not been satisfied, with no proposed landscaping other than a new earthbank which provides little enhancement. Given that the principle of the proposal is unacceptable further information regarding the proposed biodiversity enhancements has not been sought.

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

Date: 13/02/2026