

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 to north of lake side (site of Protected Building) (revised scheme).

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

APPLICANT: Mark Martin

I refer to the application referred to below received as valid on 19/01/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/03/2026

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

Application Ref: FULL/2026/0101

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 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/2026/0101
Property Ref: D002810000
Valid date: 19/01/2026
Location: Le Groignet Rue A L'eau Castel Guernsey GY5 7AL
Proposal: Erect agricultural store to north of lake side (site of Protected Building) (revised scheme).
Applicant: Mark 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 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:

FULL/2025/1505 – Erect agricultural store and decking area over lake, to north of lake side (site of Protected Building) - refused

There have been other, various applications on the site in recent years however none are relevant to the current proposal.

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 submission has been accompanied by a letter that seeks to address the previous reason for refusal in this case.

The building is 6m x 3m in size intended solely for the management and maintenance of the lake and surrounding agricultural land to offer secure storage for equipment and materials for land management (watercourse maintenance, vegetation control, bank stabilisation, ecological management and general agricultural upkeep). The submission reiterates that the building is not for leisure and recreation or domestic use but rather is ancillary and incidental to the established agricultural use of the land.

The submission highlights how the building occupies a very small footprint relative to the overall land holding, it would not fragment or materially reduce the productive capacity of the land and would support the long-term management, safety and sustainability of the agricultural landscape and its construction will allow for the proper management of the lake and surrounding land so as to enhance its agricultural and environmental function. The location of the building adjacent to the lake is so to minimise wider land take and environmental disturbance being functionally necessary and environmentally responsible in the location shown.

The external appearance of the building has been amended since the refused scheme so as to have a clearly agricultural appearance with materials, detailing and function being non-domestic in character with no domestic fixtures or services or leisure related features proposed. The submission highlights that visual impacts will be mitigated by existing landscaping, topography and woodland cover.

The building will enable effective stewardship of the lake and surrounding land, facilitating controlled vegetation management, habitat protection and water quality maintenance having regard to biodiversity and environmental management. The revised submission has sought to address the comments made previously by ACLMS

- Ambition to create a wildlife haven and bring the site back to being a productive environmental resource for the island
- Expert advice has been sought

- pathways have been made to access the valley to save the woodlands
- doubt has been cleared so water flows freely
- the lake (used as a dumping ground in the past and which was overgrown and silted) has been excavated and refilled immediately to provide a sanctuary for waterfowl and other wild birds
- Once clearance work began biodiversity improvement was noted immediately – bluebells, daffodils and many other wild flowers are now present
- It is disputed that these works have damaged biodiversity – the opposite in fact – to return the site back to its previous condition would reduce and damage biodiversity
- Le Groignet and its grounds are man-made and will always need maintenance – the woods require regular coppicing to prevent decay and disease and the arable land needs to be cut regularly to prevent dominance of species such as brambles and hemlock.

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

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation - Following consultation with Guernsey Water, and due to the site's proximity to Kings Mills Water Treatment Works, I recommend that the following condition be applied should the application be successful:

- The applicant draws up an environmental management plan which details how any item that could pose a pollution risk will be stored and measures to be put in place to prevent a pollution incident for items that will be stored in the proposed outbuilding/store

Agriculture, Countryside and Land Management Services – We note that the land to which the application relates is designated an Agriculture Priority area. The submitted plans are for a building to store equipment for the “*management and maintenance of the lake, and surrounding agricultural land*”, however as the access to the building is only onto decking leading out onto the water, this does not appear fit for purpose for a store for agricultural machinery. We do not believe sufficient evidence has been provided to demonstrate that the proposed building meets an acknowledged need and therefore it is our view that this application does not conform with policy OC5(A).

We welcome the landowner's commitment to appropriate long-term management (as referenced in the covering letter) and would be very happy to discuss the approved plan they reference in order to better understand the impact of the extensive clearance works already undertaken. Prior to clearance, the site contained a number of important ecological features which appear to have been significantly impacted during the works, including extensive areas of permanent grassland, mature vegetation and mature trees. Whilst we agree that vegetation management is required to maintain biodiversity, such large-scale clearance combined with the rotovation and reseedling of permanent grasslands will have resulted in a loss of biodiversity.

Summary of Issues:

The key issues relate to the principle of the proposed development, whether the use is agricultural in nature 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.

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. Permission has been granted, in 2025, for a garage building and in connection with the use of an existing outbuilding for domestic related purposes/storage along with a new tractor store elsewhere on the wider site (on agricultural land). There was also a small timber (unauthorised) shed situated on land adjacent to the pond/stream at the time of the officer site visit undertaken for the 2025 scheme 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 and this offers a gateway for development. The building is proposed primarily for land and lake maintenance purposes which is not an agricultural activity itself. Policy OC5(A) clearly sets out that proposals that will result in the loss of agricultural holdings or agricultural land may only be supported where it is demonstrated that the land is no longer required for agricultural purposes and the new use accords with all other relevant policies.

Based on the information provided, the use would not represent informal leisure and recreation so Policy OC9 is not engaged. The proposal is not considered to have a significant impact on the special interest of the protected building, or its setting and so is in accordance with Policy GP5.

The key issue in this case is the position of the building on the site, its impact on the wider open landscape and whether it would impact on the agricultural use of the APA. 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). Although the submission sets out that the proposed building will be used in connection with the management of the agricultural land and lake it remains the case that whilst on agricultural land it is in an isolated position, not conveniently accessed from the domestic part of the site where permission for steps has been granted. It is concluded therefore that the building is not appropriately positioned on the land to minimise the effect of the development on the use and function of land within the APA.

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 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 fallback 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: 24/03/2026

