

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 (770sqm) and associated works.

LOCATION: Hazeleigh Vinery, Route De Longfrie, St. Pierre Du Bois.

APPLICANT: Susie Crowder & Andy Whalley

I refer to the application referred to below received as valid on 06/02/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/03/2026

Drawing Nos: BHP: G4969-01-01, -02-05, 06

Application Ref: FULL/2026/0140

Property Ref: F00114A000

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 overarching principle of Policy OC7 is the removal of all glasshouses and ancillary structures to allow the land to return to agricultural use, and the application does not address this, seeking to retain all glass. This means that the application is contrary to the general aims of Policy OC7 and iv) in particular by seeking to retain all structures.
2. The proposed change of use of agricultural land to domestic garden would result in the loss of agricultural land that could contribute to the commercial function of the Agriculture Priority Area following the clearance of glass from the site and is sited amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. The scheme therefore fails to accord with the aims of Policies OC7 a. and GP15 c) of the Island Development Plan.
3. The information provided with the application submission regarding soft landscaping and biodiversity enhancements across this large site does not demonstrate that the scheme will provide proportionate environmental benefits in respect of biodiversity that will be incorporated into the proposed domestic garden

area should planning permission be granted. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance nor Policy OC7 v. 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/2026/0140
Property Ref: F00114A000
Valid date: 06/02/2026
Location: Hazeleigh Vinery Route De Longfrie St. Pierre Du Bois Guernsey
GY7 9RX
Proposal: Change of use of agricultural land to domestic garden (770sqm)
and associated works.
Applicant: Susie Crowder & Andy Whalley

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The overarching principle of Policy OC7 is the removal of all glasshouses and ancillary structures to allow the land to return to agricultural use, and the application does not address this, seeking to retain all glass. This means that the application is contrary to the general aims of Policy OC7 and iv) in particular by seeking to retain all structures.
 2. The proposed change of use of agricultural land to domestic garden would result in the loss of agricultural land that could contribute to the commercial function of the Agriculture Priority Area following the clearance of glass from the site and is sited amongst other open and undeveloped agricultural land Outside of the Centres and within the APA. The scheme therefore fails to accord with the aims of Policies OC7 a. and GP15 c) of the Island Development Plan.
 3. The information provided with the application submission regarding soft landscaping and biodiversity enhancements across this large site does not demonstrate that the scheme will provide proportionate environmental benefits in respect of biodiversity that will be incorporated into the proposed domestic garden area should planning permission be granted. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance nor Policy OC7 v. of the Island Development Plan.
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OFFICER'S REPORT**Site Description:**

Hazeleigh is a detached dwelling set back from Route de Longfrie behind frontage development. The north site boundary is marked by a high granite wall. A shed has been erected adjacent to this boundary, north of the dwelling. A single large glasshouse remains along the east site boundary and shows signs of some domestic storage, and the site comprises an area of domestic garden associated with the dwelling and an area

of agricultural land to the east and south of the site. A garage building is situated adjacent to the west site boundary, south of the dwelling.

The house is situated between frontage residential development to the north and south. Land to the north of La Forge to the west has never been defined as garden and a single field that spans between Rue St Pierre to the north and Route du Longfrie to the south is situated beyond the La Forge property/site. To the east of the glasshouse are several fields (recently used as horse grazing) with football pitches and large swathes of agricultural land beyond to the north and east.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

CURT/2023/0269 – definition of curtilage

FULL/2014/3456 - Change of Use of domestic stables to commercial livery – granted

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to the east of the dwelling to domestic garden. The drawings incorporate details of biodiversity enhancements proposed. The existing glasshouse is shown to be retained.

A Policy Statement has been included on the application drawings noting that the glasshouse (agriculture area 1) was developed with glasshouses prior to 1938 and the land to the south (agriculture area 2) was developed with glasshouses prior to 1898 and with glasshouses in both areas still in place in 1979 but that those to the south (agriculture area 2) removed between 2006/2007 and two thirds of the glass in area 1 being removed between 2011-2014. The submission asserts that agriculture area 1 is isolated as a holding from adjacent land by the retention of the glasshouse (also to be retained as part of this submission). Attention is also drawn to the high granite wall to the north boundary. The submission states that this is a small area of land which has been made unviable being too small to contribute to the agricultural economy on its own and being isolated from other, viable agricultural land and is so appropriate for consideration through Policy GP15 which permits owners of small, isolated parcels of land to absorb them into domestic use.

The submission seeks to address how, in the APA, the change of use will not have an impact on the landscape character by stating that “it is clear that it makes no contribution to the landscape character, being visually isolated in all directions from external views.” In relation to the matter of soil quality the submission states that “

even if the land were designated Grade 1 standard” this is unlikely following the presence of glasshouses for over 70 years (during a period of extensive use of techniques of sterilisation, herbicides and insecticides) and their subsequent removal (which is likely to have left a variety of timber, gravel and glass material in the soil).

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

OC7	Redundant Glasshouse Sites
GP1	Landscape character and open land
GP15	Creation and extension of curtilage

Redundant Glasshouses SPG
Strategy for Nature SPG

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - Whilst I do not have any objections to the proposals, I would recommend that the following informative is attached to the consent:

- There is potential for contamination on the land arising from its former use as a growing site and the historic presence of glasshouses. Should the applicant intend to cultivate consumable produce on the site, consideration should be given to the potential for contamination and any associated risks.

Agriculture, Countryside and Land Management Services - Since 2021, there has been a requirement for changes of use from agricultural to domestic curtilage to provide an enhancement to biodiversity. We would recommend that the landscaping scheme is revised to ensure that an enhancement in biodiversity can be achieved.

The site has the potential to contain important ecological features, such as mature vegetation and permanent grassland and so the applicant may wish to commission an ecological assessment to understand the baseline biodiversity value and potential impacts resulting from the proposed development which should inform an updated landscaping scheme.

We welcome the inclusion of native planting but would recommend that Tamarisk is omitted from the species list because it is not native to Guernsey. We also strongly recommend that the agricultural land to the south, which is due to be retained, is not used to relocate the ‘pollinator patch’ as the cultivation and sowing of wildflower seed in this field has the potential to result in further ecological impact and additional loss of agricultural land within an APA.

Should the applicant wish to create a pollinator patch in a more suitable location within the proposed or existing domestic curtilage, we recommend that they follow the

published wildflower guidance and that the species list is amended to remove non-native species (e.g., marigolds, verbena, alexanders, echinops, chives, rosemary, sage, and hellebores).

Summary of Issues:

The key issues in this case are that no clearance work (glass/ancillary structures) would be undertaken on this redundant glasshouse site, the loss of agricultural land within the Agriculture Priority Area, whether the site would, if cleared, contribute to wider open land and whether appropriate biodiversity enhancements are proposed.

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 change of use of land to form domestic curtilage is addressed by Policies OC7 and GP15.

Redundant glasshouse site

The Planning Law considers horticultural premises, including redundant glasshouse sites, and any ancillary structures to be agricultural land so, on clearance of the structures, the land is expected to revert to other non-horticultural types of agricultural use. Therefore, there is a presumption that when a horticultural use ceases the site will be cleared of glasshouses and ancillary structures and returned to agricultural use.

Within the Island Development Plan a 'Redundant glasshouse site' means, '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.' There must be a clear indication that glasshouses are no longer required or capable of being used for their authorised purpose for the site to be considered a redundant glasshouse site and the purpose of the policy is to secure improvements in the physical appearance and quality of the landscape.

The proposal fails to comply with the overarching aim of Policy OC7 given the expectation that a site should be cleared of glass and ancillary structures and this application proposes to retain the entire glasshouse. This is also contrary to criterion iv. which specifically refers to the clearance of glass and ancillary structures from a site.

The proposal relates to the change of use of agricultural land to domestic garden which is a policy consideration of OC7 (criterion d.). Criteria c., e. – h. are not relevant in this case.

Contribution of the land to the commercial function of the APA and change of use of agricultural land to domestic garden (GP15 and OC7 d.)

The size of land within the APA proposed to change to garden is 770sqm sqm and this is part of the non-curtilage section of the overall land parcel that includes the dwelling and former glasshouse site (approximately 4854.32 sqm). Although the submission highlights the matter of external space being limited relative to the size of the house providing a dwelling with a “reasonable” curtilage given its size or because a property has been significantly extended, are not reasons given in the Island Development Plan to support the change of use of agricultural land to domestic garden. The land subject to this application is not a particularly small piece of land for Guernsey and the IDP acknowledges that farmers operate across a scattered pattern of generally small fields which typifies the traditional, small scale and intricate landscape.

Consideration must be given to the needs of the agricultural industry in perpetuity, or until new evidence emerges or a policy decision is made that less land, or land of a different type, is needed for the future requirements of the agricultural industry. The SLUP and IDP requirement to find a reasonable balance is provided for, in relation to APA land, by allowing APA land that can be demonstrated as not to be able to contribute to commercial agriculture to change use (or where unacceptable adverse environmental impacts would occur). Consideration must be given to the cumulative impact should many small areas of APA land be converted to garden thereby undermining the objectives of the SLUP and IDP for the most valuable agricultural land.

The relatively flat site sits within the APA and its topography makes it generally suitable for either arable or livestock use. Although the applicant may not wish or intend to use the land for commercial agricultural purposes it does not mean the land could not contribute to the agricultural function of the Agriculture Priority Area. The submission has commented on the poor condition of the land, but this has not been supported by evidence of such and to remediate the land, as required by the Office of Environmental Health and Pollution Regulation, would give potential for the land to be brought back into use for agricultural purposes.

The land that is the subject of this application could be used for agriculture without the need to remove significant areas of trees/hedges/banks when considering the environmental impact of the necessary works and it appears unlikely that the removal of a limited number of trees etc. to the east of the glasshouse to provide connection to other agricultural land would have unacceptable adverse environmental impacts (criterion c. and paragraph 19.16.11 of the IDP). Although the glasshouse provides a physical barrier to the adjoining agricultural land it should be noted that a) glasshouses represent temporary structures on agricultural land and which do not require permission to be removed and b) Policy OC7 requires glasshouses on redundant glasshouse sites to be cleared which would then facilitate access to the wider areas of Agriculture Priority Area (APA) land for the commercial use of the APA.

It is clear that the land could positively contribute to the commercial agricultural use of the APA as part of a wider block of open land and could practicably be used for commercial agriculture within the APA without unacceptable adverse environmental

impacts and none of the arguments present would outweigh the policy aims and requirements. The scheme fails to comply with Policy GP15 c. and OC7 a.

Biodiversity and the Strategy for Nature SPG

The site is not designated as a Site of Special Significance or Area of Biodiversity Importance and no such designations are found adjacent to the site. The comments of ACLMS highlight that the site has the potential to contain important ecological features (mature vegetation and permanent grassland) and the existing ecological value of the land is currently unknown.

Following the adoption of the Supplementary Planning Guidance Note: Strategy for Nature, 2020 biodiversity enhancements are required. The application is accompanied by supporting information setting out the biodiversity enhancements proposed to land within the applicants' ownership and control. Existing trees are to be retained with nine bird boxes proposed (some within the existing curtilage and most within the area of proposed garden) and gives some consideration to the assumed condition of the land which could impact on its existing biodiversity value.

An existing pond/pollinator patch is indicated to be removed and relocated however the area of the proposed enlarged pollinator patch cannot be considered in relation to the Strategy for Nature requirements as such proposals should fall within the proposed area of domestic curtilage. It is also noted that not all species indicated to be incorporated are native/appropriate in this case. For the extent of land proposed to be brought within curtilage 18 new plants and 9 bird boxes is not considered sufficient to offer a biodiversity enhancement as required by the Strategy for Nature.

No new defining boundary is proposed between the retained agricultural land and glasshouse to the east/retained agricultural land to the south which would prevent the overspill of domestic activity into these retained agricultural areas given the existing gaps in trees etc. that exist and a new boundary feature would be necessary in this case. In this regard the scheme fails to comply with the Strategy for Nature SPG but also OC7 v. (appropriate soft landscaping).

Other matters – open land and neighbour amenity

The site is within the Western Plateau (part of the Plateau Landscape Character – Annex V) which is generally less affected by mid-late 20th Century development and consists of a series of broad erosion platforms stepping gradually down to the west and also dissected by deeply cut valleys. Open fields divided by low earthbanks are interspersed with established farmsteads surrounded by mature trees, a web of hedges, banks, hedgerow trees and tree-lined lanes is also a characteristic of the area although this has been somewhat affected by development (glasshouses and residential).

In this case, the land is not highly visible from either Route du Longfrie or Rue St Pierre and is screened from the east (Rue de la Corderie) by the greenhouse. The eastern boundary of the whole application site is marked by some sporadic tree/other planting and the two adjoining field boundaries to the east up to Rue de la Corderie are defined by low banks. If the glasshouse were not in place the proposed garden area would be

viewed from the east in the context of the existing dwelling at Hazeleigh Vinery and would not contribute positively to a wider area of open land in accordance with OC7 b. and GP15 a.

Both Policy OC7 and GP15 seek to address the matter of amenities of neighbouring occupiers and the change of use of land alone would not affect the amenities of surrounding occupiers. The scheme would also not present conflict with ii. (highway safety) and iii. (efficient and effective use of land).

Conclusions

The scheme fails primarily due to the retention of the entire glasshouse as set out in this submission which would not comply with Policy OC7 however, the scheme also fails to demonstrate that the land could not, once cleared of glass, contribute to the wider commercial function of the APA and nor does the submission satisfactorily address the Strategy for Nature, ensuring enhancements to biodiversity on this site within the area of domestic garden proposed.

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 fall-back 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, buildings or sites.

Date: 16/03/2026

