

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 (4,781sqm).

LOCATION: Maple Cottage & Sandforth Vinery, La Route Du Braye, St. Sampson.

APPLICANT: Mr M Roger

I refer to the application referred to below received as valid on 09/02/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 06/05/2026

Drawing Nos: PF+A Ltd - 7932-01 B1 & B2

Application Ref: FULL/2026/0223

Property Ref: B010770000+B01077A000

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 application site is located within an Agriculture Priority Area and appears capable of contributing to the commercial agricultural use of that area with no adverse environmental impacts. Once cleared, the application site would clearly contribute positively to the wider area of open land within which it is located. For these reasons the application is contrary to the clear aims and objectives of Policy OC7 and criterion (c) of Policy GP15.

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/2026/0223
Property Ref: B010770000+B01077A000
Valid date: 09/02/2026
Location: Maple Cottage & Sandforth Vinery La Route Du Braye St.
Sampson Guernsey GY2 4RD
Proposal: Change of use of agricultural land to domestic garden
(4,781sqm).
Applicant: Mr M Roger

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application site is located within an Agriculture Priority Area and appears capable of contributing to the commercial agricultural use of that area with no adverse environmental impacts. Once cleared, the application site would clearly contribute positively to the wider area of open land within which it is located. For these reasons the application is contrary to the clear aims and objectives of Policy OC7 and criterion (c) of Policy GP15.

OFFICER'S REPORT

Site Description:

The application site comprises a detached, much-extended chalet bungalow on the north side of La Route Du Braye, to the rear of which is an area of lawn and a former vinery. The site is accessed by a roadway that runs along the west site boundary. The site is located Outside of the Centres and, with the exception of the dwelling and its recognised domestic curtilage, within an Agriculture Priority Area.

Relevant History:

25/06/2020 – FULL/2019/2270 - Application refused for the change of use of agricultural land to domestic garden. Demolish greenhouses, create pond and erect earthbanks to agricultural land.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 4,781sqm to domestic land in association with the dwelling currently known as Maple Cottage. The application proposes the demolition and clearance of all of the glasshouses (with the exception of a small section in the south west corner previously used as a packing shed/store) together with the restoration of the land that they cover to create a grassed meadow with tree planting.

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

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

Policy OC7: Redundant Glasshouse Sites Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Representations:

Two representations were received, main points as follows:

- The application is short on detail, the adjacency of the Area of Biodiversity Importance may well mean that the area is already hosting interesting fauna and flora. Leaving the area to re-wild is not an option and the site should be assessed by an expert and maintenance plans should be drawn up. The current plans are not adequate.
- The clearance of old glass and the removal of INNS species is welcomed.
- One letter of representation on behalf of La Societe Guernesiaise advises that they remain concerned over the reclassification of agricultural land to domestic curtilage. However as the Island Development Plan currently permits the consideration of such applications they seek to optimize ecological gains in such cases.
- La Societe Guernesiaise note that the site is within an Agriculture Priority Area and question the claim that the land cannot be used for farming when other land in the near vicinity is actively farmed.
- La Societe Guernesiaise raise concerns that the proposed extent of the domestic curtilage is excessive and would prefer a significant reduction in size.

Consultations:

The Office of Environmental Health and Pollution Regulation, 19/02/2026

"I have reviewed the proposed plans for the change of use of agricultural land to domestic garden which were received by email on 17th February 2026. I am concerned about the potential for contamination, mainly in relation to potential asbestos on the site. To ensure that this concern is mitigated I would recommend that the following condition is attached to the consent:

- If, during development, contamination, including asbestos, 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.

In addition, I 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”.

Summary of Issues:

- Principle of development
- Whether the site is a Redundant Glasshouse Site
- Whether it has been 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
- Whether the site would contribute positively to a wider area of open land

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was refused for the change of use of the southern section of the site (coloured red on the submitted plans), measuring approximately 1,300sqm, in June 2020 (FULL/2019/2270). The application was refused on account that *“The application site is located within an Agriculture Priority Area and appears capable of contributing to the commercial agricultural use of that area with no adverse environmental impacts. Once cleared, the application site would clearly contribute positively to the wider area of open land within which it is located. For these reasons the application is contrary to the clear aims and objectives of Policy OC7 and criterion c) of Policy GP15”*. This current application is for a revised scheme and seeks permission for a change of use of the entire parcel of agricultural land measuring 4,781sqm to domestic land in association with the dwelling currently known as Maple Cottage.

Principle of development

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), OC7, GP15 and GP1 of the Island Development Plan. The land proposed to be incorporated as part of the applicants’ domestic property is located on a horticultural glasshouse site. Following the approach taken by the Appeal Tribunal in relation to an appeal at Dolphin Vinery (PAP/008/2018), before assessing the application against Policy GP15 the starting point is to reach a view on whether the

appeal site can be considered as a redundant glasshouse site as defined in the Island Development Plan, and thereafter whether the proposed development complies with the requirements of Policy OC7.

Whether the site is a Redundant Glasshouse Site

The Development & Planning Authority has published supplementary planning guidance on how to interpret the definition of a redundant glasshouse site provided in the preceding text to Policy OC7.

This guidance makes clear that there are two elements to that definition. Firstly, that *“there must be a clear indication that glasshouses are no longer required or capable of being used for their authorised purpose for a site to be considered a redundant glasshouse site.”* And secondly, that *“a redundant glasshouse site must be one where there is visible evidence of substantial superstructures still remaining on the site, the clearance of which will have a positive impact on visual amenity and landscape quality and character.”*

Given that all of the glasshouses on the application site remain standing, and that their clearance would clearly have a positive impact on visual amenity and landscape quality and character, the second element of the definition has been met.

With regards to the first element, the guidance makes clear that the Island Development Plan recognises the decline of the horticultural industry and aims to provide for the managed exit from this sector in terms of land use. The guidance goes on to state that *“A site can be considered a redundant glasshouse site if it is demonstrated that the site is no longer required for commercial horticultural purposes. Examples of this could be by providing a business plan or details of efforts to market the site for horticulture.”*

Reference to archive aerial and site visit photographs and observations made during the planning officer’s site visit indicate that the glasshouses have been unused for a number of years, with evidence of physical deterioration and encroaching overgrowth becoming apparent from approximately 2013. A section at the southern end of the site was cleared at some point between 2006 and 2009.

On the basis of all of the above it is concluded that the site meets the definition of a redundant glasshouse site.

Whether it has been 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

The land forms part of an Agriculture Priority Area. Paragraph 17.5.6 of the Island Development Plan makes clear that *“where a redundant glasshouse site is located within or adjoining an Agriculture Priority Area, it will be expected, once cleared, to be used for other agricultural purposes unless it is demonstrated that the cleared site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agriculture without adverse*

environmental impacts.” The Authority has published non-exhaustive guidance on matters that could be taken into account:

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).

The agent’s report in support of the application sets out that the site is landlocked, with the only vehicular access from the south across the domestic curtilage of Maple Cottage. In addition, it is advised that the land is known to become waterlogged in winter which although not excluding its use for agriculture at other times of the year, does limit the periods of use and range of potential uses. This limits the economic value of the land and as a result it would not be viable to clear the glass, create a new access, decontaminate the site for future agricultural use and maintain the land for this purpose. It is also advised that the creation of a new agricultural vehicular access to the north would impact the douit and mature vegetation along that boundary which would have an adverse environmental impact.

Notwithstanding that the land may be prone to becoming waterlogged during the winter, reference to archive aerial photographs indicates that fields within the Agriculture Priority Area of which the application site forms part have and continue to be used for grazing and hay cropping at other times of the year. There is no reason to conclude that the application site could not also be used for similar purposes.

No evidence has been provided that it would not be viable to clear the glasshouses, create a new access and decontaminate the site for future agricultural use. In the absence of fuller justification to the contrary, once cleared of the existing glasshouses it is not considered that the resultant land parcel would be so small, or so difficult to link to adjoining agricultural land, that it could not positively contribute to or practicably be used for commercial agriculture. The fact that this might require greater financial investment than the applicants are willing to make is not a material consideration under the terms of either Policy OC7 or GP15, and indeed the preceding text to Policy OC7 acknowledges at para. 17.5.14 that *“...land planning alone cannot provide a comprehensive solution to the clearance of redundant glasshouses and ancillary structures...”*. In addition, whilst a small section of vegetation may be required to be

cleared to create a vehicular access to adjoining agricultural land to the north, this is unlikely to result in significant adverse environmental impacts.

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 and therefore the proposal is contrary to part (a) of Policy OC7 and part (c) of Policy GP15.

Whether the site would contribute positively to a wider area of open land

Paragraph 17.5.6 of the IDP states that where a redundant glasshouse site is located within or adjacent to a wider area of open land, it will be expected to contribute to the wider area of open land where capable of doing so positively. This is reflected in criterion (b) to Policy OC7 which supports proposals to develop redundant glasshouse sites only where the site would not contribute positively to a wider area of open land.

The application site is located Outside of the Centres in a semi-rural area, which in the immediate vicinity of the site is characterised by a pattern of rectilinear fields and sections of frontage ribbon development, with smaller and larger spans of glass still extant to the west and east.

Notwithstanding that the application site is flanked by another vinery site to the east and what appears to be a small commercial yard and building (which may not have the benefit of planning permission), if it were cleared of glasshouses and other structures then it would undoubtedly contribute to the wider area of open land that extends to the west towards the L'Islet Local Centre, to the north towards the Vale Church, and to the east towards La Route Militaire. As such the application is contrary to criterion (b) of Policy OC7.

The agent acknowledges that once the glass is cleared, the site would contribute positively to a wider area of open land, in particular open fields to the north. The agent requests a minor departure from policy in relation to this criterion on the basis that the proposed scheme would ensure the continued positive contribution of the site to wider open land, and it is advised that the best manner in which the site can contribute to open land is as a natural area supporting biodiversity.

However, the scale of the proposed change of use of agricultural/undeveloped land to a domestic use, consisting of the entire parcel of agricultural/undeveloped land measuring 4,781sqm, would not constitute a minor departure. The proposal would result in a significant incursion beyond existing domestic properties into a wider area of open/undeveloped land and the domestication of this land has the potential to adversely affect the landscape character, for example through the introduction of domestic paraphernalia. 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 children's play equipment, ornamental landscaping and boundary treatment) would result in the suburbanisation of the land and would cause unacceptable harm to the openness and landscape character of the area.

Other Matters

Having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320), as the proposal fails to satisfy the policy requirements of parts (a) and (b) of Policy OC7, then the proposal must be refused as no policy gateway applies and no further consideration of the proposals is necessary.

As a result of this conclusion, no detailed assessment of the scheme has been made having regard to the other planning policies, including Policies GP1, GP15 and OC5(A) of the Island Development Plan, or in respect of other material planning considerations as identified in Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007, and including matters related to proposed biodiversity enhancements and the potential for contaminated land.

Conclusion

The application site is located within an Agriculture Priority Area and appears capable of contributing to the commercial agricultural use of that area with no adverse environmental impacts.

Furthermore, once cleared the application site would clearly contribute positively to the wider area of open land within which it is located.

For these reasons the application is contrary to the clear aims and objectives of Policies OC7 and part (c) of Policy GP15, and it is recommended that the application is refused.

Date: 28/04/2026