

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: Demolish dwelling, greenhouse and buildings on existing agricultural land, change of use of agricultural land to domestic garden (2,410sqm) (Part Retrospective), erect replacement dwelling, glasshouse (southwest boundary) relocate vehicle access (east boundary), erect gate and associated works.

LOCATION: Vue Du Peron, La Rue Du Crocq, St. Saviour.

APPLICANT: Mr S Smith

I refer to the application referred to below received as valid on 05/05/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/07/2026

Drawing Nos: Arch+: 246-3-300, 301, 302, 303, 304, 305, 306, 307, 308, 309

Application Ref: FULL/2026/0625

Property Ref: E00708B000+E00708A000

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 information provided with the application submission regarding hard and soft landscaping and biodiversity enhancements across this large site does not demonstrate that the environmental benefits in respect of biodiversity will match or exceed the existing environmental benefits of the site should planning permission be granted. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance nor Policies GP8 c. and d. nor GP9 relating to adverse impact on the environment.

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/2026/0625
Property Ref: E00708B000+E00708A000
Valid date: 05/05/2026
Location: Vue Du Peron La Rue Du Crocq St. Saviour Guernsey GY7 9XG
Proposal: Demolish dwelling, greenhouse and buildings on existing agricultural land, change of use of agricultural land to domestic garden (2,410sqm) (Part Retrospective), erect replacement dwelling, glasshouse (southwest boundary) relocate vehicle access (east boundary), erect gate and associated works.
Applicant: Mr S Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The information provided with the application submission regarding hard and soft landscaping and biodiversity enhancements across this large site does not demonstrate that the environmental benefits in respect of biodiversity will match or exceed the existing environmental benefits of the site should planning permission be granted. As a result the scheme does not accord with the Strategy for Nature Supplementary Planning Guidance nor Policies GP8 c. and d. nor GP9 relating to adverse impact on the environment.

OFFICER'S REPORT

Site Description:

Vue Du Peron is a detached one and a half storey dwelling situated off a private track on La Rue Du Crocq. It is situated close to the front of the site with outlook across the bay to the northeast. An informal area of parking/turning exists to the front of the site and a WWII bunker is situated on the coast to the immediate east. A garage/outbuilding in a somewhat poor state is located to the northwest of the dwelling. Although the drawings (and aerial photographs) show a glasshouse on land to the northwest of the dwelling this was not present at the time of the officer site visit. There is a shed adjacent to the far west site boundary and there are various trees across the site with the southern boundary marked by a hedge.

Land to the south is currently largely open and undeveloped agricultural land and it sits behind frontage residential development in Rue Mahaut to the east and Route De La Marette to the west. The property to the southeast is currently undergoing redevelopment.

In Annex V: Landscape Character of the IDP the site sits within the Western Bays landscape. This notes that development on the Mares that back the 5.5-mile-long sequence of bays and headlands and development along the coast road impacts on the character of the coastal landscape. The headlands within this landscape jut out into the Atlantic between each bay and each headland is marked by a fortification (Napoleonic/German) and provide pedestrian access to the intertidal rocks and beaches as well as car parks and viewing points. It is noted that isolated clusters of development, particularly at Richmond, have impacted on the generally rough, semi-natural and exposed character of the headlands.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Waters Edge

FULL/2023/1474 - Demolish existing dwelling and erect replacement dwelling with associated works, relocate vehicle and pedestrian access – granted

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application seeks the change of use of the agricultural land to the west and northwest of the existing dwelling to domestic garden, the removal of an existing glasshouse (which has already been undertaken but which does not require planning permission) and garage/shed structures in order to facilitate the erection of a replacement dwelling further west on the site with associated driveway and parking to the front, terrace to the rear and a summerhouse in the south west corner of the site (in the location of the existing shed). The scheme also incorporates revised vehicular access arrangements.

It is proposed for the external materials to be a mix of render and stone clad walls, as well as a slate roof. The property will comprise 3 bedrooms and an open plan living/ kitchen/ diner, along with a fully enclosed double garage. Some limited accommodation is proposed within the roofspace.

The application has been accompanied by landscape proposals produced by Richard Lloyd Tree Dimensions to address the matter of biodiversity enhancements on the land having regard to the Strategy for Nature SPG. The submission highlights the extreme coastal exposure of this location where vegetation has naturally adapted to the hostile environment with areas of high habitat value and increased biodiversity. Non-native planting is proposed to be removed with an aim to retain a high proportion of established vegetation with new planting. *“The proposed landscape scheme has been*

designed to retain existing ecological features where practicable and deliver a measurable enhancement in biodiversity value.

The introduction of a diverse planting palette, incorporating native trees, shrubs and herbaceous species, will provide seasonal nectar sources, shelter and nesting opportunities, thereby strengthening the ecological function of the site."

The application was deferred so that a Site Waste Management Plan could be provided in this case.

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

GP13: Householder Development

GP15: Creation and Extension of Curtilage

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Annex V: Landscape Character

Strategy for Nature Supplementary Planning Guidance

Representations:

La Societe Guerneslaise – La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

Achieving Biodiversity Net Gain (NBG) is likely to be difficult due to the extensive development proposals, but may be achievable if suitable biodiversity measures extend to the full site and appropriate soft landscaping, predominantly of native species, is undertaken. We would request that if the application is considered further, such aspects are subject to planning conditions.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, such as arranging surveys of the existing site and providing suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

We would also like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island. We would therefore recommend that the existing buildings, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building works.

This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that appropriate provision for roosting bats and certain species of nesting birds be incorporated into the development.

We would request that, if this application is considered further, such wildlife considerations are covered by an appropriate planning condition. If an informative note is used instead, we would request the following wording -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We require the site to be inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Consultations:

Environmental Health and Pollution Regulation - reviewed the proposed plans for Vue Du Peron which were received by email on 6th May 2026 and there is an issue of concern that I must raise due to the previous use of the land as heated glasshouses and an associated packing shed. Contaminants associated with the historical use of heated glasshouses and packing sheds include hydrocarbons and heavy metals. I therefore request that a full contaminated land condition is attached to the application.

Agriculture, Countryside and Land Management Services – In line with the policy adopted by the Development and Planning Authority (DPA) in 2021, any applications for changes of use of agricultural land to domestic curtilage must include a scheme to achieve an enhancement in biodiversity.

In order to assess whether an enhancement in biodiversity can be achieved, the existing biodiversity value of the site must be understood. The Landscaping scheme supplied with the application does not provide an assessment of the biodiversity value of the existing site, but it does make reference to the site being of “*high habitat value and increased biodiversity*” and “*semi-natural coastal scrub habitat*”.

Existing information sources, including aerial photography and island wide Phase 1 habitat surveys, can also be used to indicate the potential existing biodiversity value of the site.

Aerial photographs indicate that the site contains mature vegetation amongst a frequently mown grassland which does not appear to have been cultivated (i.e., rotovated and resown) for between 20 and 35 years. The field section to the north

appears to have been coastal scrub with a small area of grassland until between 2009-2013, at which point the scrub was cleared.

The Phase 1 habitat surveys supports this – with the site having been identified as a combination of coastal grassland, amenity grassland, continuous bracken, and dense scrub in 2010. In 2018 it was classified as dense scrub and amenity grassland, suggesting the grassland was being managed more intensively.

This evidence suggests that the site contains the following important ecological features, which are likely to support high levels of biodiversity:

- Permanent grassland
- Dense scrub
- Hedgerows

The current plans propose relocating the dwelling to the west into the area of natural land, which would result in the loss of a large area of these important features. The proposed landscaping scheme, whilst it includes a degree of native planting, will not be sufficient to off-set the loss of these habitats and result in an enhancement of biodiversity. Therefore, this application does not achieve the DPAs requirement for applications for a change of use to achieve an enhancement in biodiversity.

In line with the aims and objectives of the Strategy for Nature, including the implementation of the mitigation hierarchy, we would recommend that the proposals are amended to first consider how the loss of the existing biodiversity can be avoided. This is often best achieved by developing on existing areas of developed land and hard standing, we would therefore recommend the applicant considers building on the footprint of the existing property and developed land.

We also recommend that any subsequent applications include an ecological survey, undertaken by a suitably qualified ecologist. We also recommend that an arboricultural survey is provided detailing the trees to be removed and those to be retained, including any necessary root protection areas and measures required to prevent accidental damage to them during construction, in accordance with BS 5837:2012.

Finally, we note that the site is a former greenhouse site. Should the Office of Environmental Health and Pollution Regulation require a contaminated land survey and restoration plan, we would recommend that any biodiversity enhancement plan is reviewed and adapted to take account of any measures required. We would welcome the opportunity to review those plans should they be required.

Summary of Issues:

The key issues in this case relate to the:

- Principle of the proposed redevelopment
- Design, form, scale and massing of the proposed development
- Impact on visual amenity
- Impact on neighbour amenity

- Change of use of land

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.

Change of use of agricultural land to domestic garden

Policy GP15: Creation and Extension of Curtilage outlines that such proposals will be supported where the change of use will not have a detrimental impact on the landscape character of the area and subject to specific policy criteria. Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area.

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

The area of land is well associated with the existing dwelling and is not located within an Agriculture Priority Area. The west, south and north boundaries of the site are currently clearly defined and the surrounding land is in separate ownership to the host dwelling and the agricultural land that is the subject of this application. The application does propose to remove boundary planting between two parcels of agricultural land within the ownership and control of the applicant in order to facilitate the construction of a replacement dwelling on the site and the north boundary is to be altered with new planting introduced between the proposed dwelling and beach beyond. This is not however, a particular feature in the landscape that would warrant its retention when considering GP1 and GP15. The land is not identified as being situated within an Area of Biodiversity Importance.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties,

the proposed change of use would not of itself have an adverse impact on or affect their amenities.

The change of use proposed would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Given the established site boundaries the change of use of land alone would not undermine the wider landscape character or the openness of the area in accordance with Policy 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 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 on the subject land should planning permission be granted.

The comments and concerns raised by Environmental Health are noted and a condition can be applied in order to manage the matter of land contamination in this case. There is potential however, for the result of the mitigation of contaminated land to impact on existing biodiversity on the site.

As highlighted by ACLMS although the existing biodiversity value of the site is not known using existing information sources provides evidence that the site contains a number of ecological features (permanent grassland, dense scrub and hedgerow).

To relocate the dwelling from its current position within a limited domestic curtilage to a more set back and central position on the site, its extensive footprint and associated areas of hardstanding would see development into the areas of natural land which would result in the loss of a large area of ecological features.

There are large areas of new planting proposed with, more than, 30 new trees proposed, in addition to the retention some existing trees on the site. This would not however, be sufficient to offset the loss of these habitats and so as submitted the scheme does not demonstrate an enhancement in biodiversity over the existing situation on the site and having regard to the potential requirement to undertake remediation of contaminated land. As such the scheme fails to satisfy the aims of the Strategy for Nature SPG.

As domestic garden normal householder exemption rights would apply and if the scheme were acceptable in all other respects it would be reasonable to consider whether it is necessary to remove any householder exemption rights in this case. Given the open agricultural land to the south/west of the site and views across the open land from Route de la Marette exempt development could impact on the open character of the area and so it is reasonable to remove exemption rights relating to outbuildings/sheds. The scheme incorporates the erection of a domestic scale greenhouse which is considered elsewhere in this report. This is particularly relevant

given the location of the site within the Western Bays and on the Richmond Headland which is noted in the IDP as being affected by development.

Other matters

Replacement dwelling

As outlined above, the principle of the change of use of agricultural land to domestic garden is acceptable. The issue in this case is the effect that the position of the substantial replacement dwelling and associated hardstanding/driveway/patios etc. would have on biodiversity on the site and as such it has not been demonstrated that the scheme as submitted would offer reasonable and proportionate biodiversity enhancements having regard to both the loss of a large area of existing ecology from the site and the potential requirement to undertake contaminated land remediation.

If all matters relating to the Strategy for Nature had been resolved there would be scope to consider the construction of a replacement dwelling on the site. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned. Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The site is located Outside of the Centres where development is varied in terms of its height, scale and design. It is situated on the Richmond Headland which is noted in the IDP where isolated clusters of development exist which impacts on the exposed, rough and semi-natural character of the headland. The proposed dwelling would be located on a substantial plot (given the proposed change of use of agricultural land to domestic garden) that could potentially accommodate a larger building. Furthermore, Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

The replacement dwelling would be situated further from the roadway and coast than the existing dwelling and has been broken down into different elements in order to help manage its overall scale and bulk. The Island Development Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment and outside of designated areas there is more flexibility regarding new development. There is no uniform design or palette of materials in the local area, and the proposed external appearance represents a good standard of design that respects the local built environment in line with the aims of Policy GP8 and GP13.

Policy GP8 does set out that development should provide soft and hard landscaping that reinforces local character or mitigates the impact of the development but also that development should respect the character of the open landscape concerned. Whilst the external design/appearance of the dwelling represents a good standard of design this does not extend to the position of the building on the site nor the balance between the removal of existing landscaping from the site and its replacement with new, along with substantial areas of hardstanding and as such, in this regard, the scheme fails to comply with Policy GP8 c. and e. along with the Strategy for Nature SPG.

Impact on visual amenity and open landscape character

As outlined above the preceding text to Policy GP13 clearly sets out that the impact on a new building on the openness of an area will be considered and does not require a comparison between old and new. As a result, a replacement dwelling can be larger and have a greater impact provided that all other relevant planning policies have been satisfied. Policy GP8 seeks to use hard and soft landscaping to help mitigate and/or assimilate a scheme within its setting. The principle of the larger dwelling has been considered and addressed elsewhere in this report.

The Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this and a development should preserve or enhance the character and appearance of the locality. With the varied nature of development in the locality and topography of land around the site the dwelling proposed will not appear unduly visually intrusive and would not be out of keeping in the locality within the Western Bays, headlands, landscape character. Long distance views of the site are possible from along Vazon Road and Fort Hommet but the development will not appear as an obtrusive feature in the wider landscape and so accords with Policies GP1, GP8 and GP13 in this regard. In this case, as outlined elsewhere, it is the landscaping proposals that are not satisfactory in this case.

The modest glasshouse proposed will not have an adverse impact on the character and appearance of the locality and respects the built and open environment concerned.

Impact on neighbour amenity and the living environment of future occupiers

The siting of the proposed dwelling and glasshouse is such that it will not result in overshadowing or loss of light to neighbouring occupiers. The position of fenestration also such that no unacceptable overlooking or loss of privacy will occur.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will provide access for all and will enable future occupiers to remain in the property for longer.

There is ample off-road parking and on-site turning to serve the property. The redevelopment will not result in an unacceptable increase in the use of the existing access nor unduly increase vehicles using the local road network and therefore the aims of both Policy IP7 and IP9 been satisfied in this case. There would be scope to store

cycles in the garage to satisfy the aims of Policy IP6 relating to secure and covered cycle parking.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case. The information is considered satisfactory to meet the aims of Policy GP9 in this respect.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. Concerns exist regarding the substantial extent of hardstanding proposed in this case given that a lengthy driveway/turning is now proposed to access the set back location of the house and in this regard Policy GP9 is not satisfied. If the scheme were acceptable in all other respects the extent of hardstanding could be explored further and conditions could be imposed relating to sustainable construction techniques and measures.

Conclusions

Notwithstanding the above none of the aspects of the development that comply with policy would overcome that the scale of development proposed in the location proposed would result in the loss of biodiversity from the land which is not adequately replaced through the landscaping and biodiversity proposals that accompany this scheme. This could be further compounded by contaminated land remediation.

As such the scheme is contrary to the adopted SPG, Strategy for Nature and as a result the application is recommended for refusal. The scheme also fails to comply with Policy GP8 c. and e. and GP9 in relation to the hard and soft landscaping proposals.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on any protected buildings, trees, monuments or on any Sites of Special Significance.

Date: 28/07/2026

