

**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 (4,741sqm) and associated works (retrospective).

**LOCATION:** Orchid Villa, Rue Mainguy, Vale.

**APPLICANT:** Mr & Mrs R Saunders

I refer to the application referred to below received as valid on 23/04/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 29/06/2026

**Drawing Nos:** PF+A Ltd: 7939-02 B1, B2

**Application Ref:** FULL/2026/0677

**Property Ref:** C022830000

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 land parcel forms part of a broader area of contiguous agricultural land extending to the south and west, with potential for good connectivity to agricultural land to the west with minimal environmental impact. 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 Island Development Plan Policies GP15(c) and OC5(A).

2. The land the subject of this application forms part of a large swathe of open and undeveloped land which extends to the south and west, and is visible from the public highway (Rue Mainguy) to the north of the site. The proposal would result in an obvious and significant incursion beyond the extent of the existing residential property and into the rural environment, thus resulting in the suburbanisation of the countryside to the detriment of the wider open and undeveloped landscape character, and the appearance of the surrounding area. The domestication of this land would

adversely affect the landscape character and openness of the area, for example through the introduction of domestic paraphernalia, without the need for planning permission. In this case the requirements to ensure the protection of open land and landscape character outweigh the reasonable expectations of the landowner to incorporate additional land into the curtilage of the dwelling-house. The proposal is contrary to Island Development Plan Policies GP15(a) and GP1.

#### **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/2026/0677  
**Property Ref:** C022830000  
**Valid date:** 23/04/2026  
**Location:** Orchid Villa Rue Mainguy Vale Guernsey GY6 8NL  
**Proposal:** Change of use of agricultural land to domestic garden (4,741sqm) and associated works (retrospective).  
**Applicant:** Mr & Mrs R Saunders

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

1. The land parcel forms part of a broader area of contiguous agricultural land extending to the south and west, with potential for good connectivity to agricultural land to the west with minimal environmental impact. 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 Island Development Plan Policies GP15(c) and OC5(A).

2. The land the subject of this application forms part of a large swathe of open and undeveloped land which extends to the south and west, and is visible from the public highway (Rue Mainguy) to the north of the site. The proposal would result in an obvious and significant incursion beyond the extent of the existing residential property and into the rural environment, thus resulting in the suburbanisation of the countryside to the detriment of the wider open and undeveloped landscape character, and the appearance of the surrounding area. The domestication of this land would adversely affect the landscape character and openness of the area, for example through the introduction of domestic paraphernalia, without the need for planning permission. In this case the requirements to ensure the protection of open land and landscape character outweigh the reasonable expectations of the landowner to incorporate additional land into the curtilage of the dwelling-house. The proposal is contrary to Island Development Plan Policies GP15(a) and GP1.

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**OFFICER'S REPORT**

**Site Description:**

The application site, known as Orchid Villa, consists of a two-storey detached dwelling which is located south of Rue Mainguy. The property is surrounded by agricultural fields to the south and west, with residential development to the north and east of the site.

The agricultural land to the west of the property, the subject of this application is bounded by the north by a mature hedge and features a gate and shipping container to the north, and a former boiler house and pit to the south. A low stone wall/earthbank makes up the west boundary. It is noted that the gate serving the field, together with the shipping container, do not appear to have received planning permission. Several trees and shrubs have been planted on the agricultural land. Views from Rue Mainguy stretch for hundreds of metres, when looking southwards across a series of fields, towards the rear of buildings fronting onto Rue des Marais.

The site is situated Outside of the Centres and is within an Agriculture Priority Area as defined in the Island Development Plan.

**Relevant History:**

| Reference No   | Description                                                                          | Decision                | Date |
|----------------|--------------------------------------------------------------------------------------|-------------------------|------|
| PREA/2026/0235 | Convert former boiler house and pit into an agricultural store.                      | Pre-application enquiry | 2026 |
| FULL/2015/2594 | Extend domestic curtilage, demolish sheds, remove hedging and construct earth banks. | Granted                 | 2015 |
| PREA/2013/1828 | Install swimming pool and extend domestic curtilage.                                 | Pre-application enquiry | 2013 |
| PAPP/1999/4558 | Change of use of agricultural land to domestic curtilage                             | Granted                 | 2000 |

**Existing Use(s):**

Residential – Orchid House

Agricultural – field to the west of the house.

**Brief Description of Development:**

Retrospective permission is sought to change the use of a parcel of agricultural land, measuring approximately 4,741sqm (as set out in the application form), to domestic garden associated with the dwelling-house.

The application is accompanied by a letter from the agent addressing the relevant planning policies in support of the application.

### **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 GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Strategy for Nature (2020) Supplementary Planning Guidance

### **Representations:**

Two letters of representation were received from La Societe Guernesiaise and the National Trust of Guernsey. The main points are as follows:

- The change of use proposed is excessive.
- The land forms part of an APA, extending to the entire Vingtaine De L'Epine Basin.
- The site may continue to host a range of important plants and associated wildlife.
- Should the application be considered further, biodiversity net gain should be secured.
- The field is one of many that form a large concentration of undeveloped fields bounded by Rue du Marais, Les Grandes Mielles and Rue Mainguy.
- The application would reduce the large concentration of pasture land.
- More scope to consider a change of use to the south of the dwelling.

### **Consultations:**

None.

### **Summary of Issues:**

The main issues in deciding this application are the impact on the landscape character and openness of the area, the loss of agricultural land within an Agriculture Priority Area, and biodiversity enhancements.

### **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).**

#### **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 proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance.

No changes to the existing boundaries are proposed (i.e. their removal) and the proposed use of the land for domestic purposes would have no significant adverse effect on the amenities of neighbouring residents.

### Loss of agricultural land within the Agriculture Priority Area

The land forms part of an Agriculture Priority Area. The field covers an area of approximately 4,741sqm.

The Island Development Plan recognises that, while agriculture represents a relatively small component of Guernsey's economy, it performs an important role in land management, contributing to the protection and enhancement of the countryside and maintaining visual access to open space.

The Strategic Land Use Plan seeks to balance the protection of agricultural land for current and future industry needs with the requirement to accommodate other legitimate forms of development. To this end, the Island Development Plan identifies extensive areas of high-quality and contiguous agricultural land, as well as land closely related to established agricultural operations, as Agriculture Priority Areas.

Within these areas, policy generally supports agricultural development; however, boundaries have been drawn broadly and include land that may not currently be in agricultural use or capable of contributing to commercial agriculture. As such, non-agricultural development may be permitted within Agriculture Priority Areas, provided proposals comply with all other relevant policies of the Plan.

To safeguard the island's best agricultural land, development proposals resulting in the loss of existing farmsteads or agricultural holdings within these areas will only be supported where it is clearly demonstrated that the land or buildings are no longer required for agricultural purposes, and that any alternative use accords with the wider policy framework. The responsibility for demonstrating this rests with the applicant.

The Authority has published non-exhaustive guidance on matters that could be considered for such proposals.

Information has been submitted by the agent to seek to demonstrate that the land could not be used for commercial agriculture. It is noted that that:

- The site is not a farmstead or part of an agricultural holding.
- The site has not been used for agriculture for more than 35 years, and could not be used for commercial agriculture without significant adverse environmental impact or loss of boundary features.

- The site is not used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future due to the access, which restricts the size of vehicle which can reach the site.
- There is no option for an alternative access.
- Use for commercial agriculture would require clearance of a number of trees, causing an adverse environmental impact.

The agent has also set out that the agricultural industry's requirement *is for larger open fields either for cultivation, grass to feed livestock or grazing livestock. Where a field is to be used for grazing livestock it is preferable to be adjacent to other open fields to transfer between fields and allow pastures to rejuvenate.* It is noted by the agent *that the site does not fulfil any of these criteria and could not without the loss of mature trees and established boundary features, which contribute to the landscape character and biodiversity of the area.* The agent also considers that the land would require clearing to be utilised for cultivation or grazing, resulting in the loss of mature trees.

The agent clarifies that *when the site was previously used for agriculture, the site was used as two small fields of approximately 2,000sqm. The site is now irregular in terms of its shape and therefore is less suited to modern agricultural machinery, and it could not be incorporated into a wider area of open agricultural land. On its own, the land does not make a significant contribution to the commercial agricultural use of the APA.*

The agent also notes *that there is no direct access between the land and adjacent agricultural land, the land is relatively flat and level, and that there are known issues with flooding and the land is naturally draining.*

#### *Assessment:*

With regards to the general characteristics and observations of the site, the land is predominantly flat with a limited slope in a north-to-south direction. The field features a suitable vehicular access width located to the north boundary of the site, which is not dissimilar to other agricultural access widths found elsewhere on the Island, and therefore could be used for agricultural machinery, vehicles and/or cattle.

The land parcel forms part of a broader area of contiguous agricultural land extending to the south and west, with good connectivity to agricultural land to the west of the site, separated by a low stone wall/earthbank.

Whilst the agent's statements are noted, the points made, including the agricultural industry's requirements and restricted access to the site, have not been substantiated by any independent professional advice which could give further weight to the claims made, or are evident on site.

Whilst it is acknowledged that the interior of the site features a number of small trees and shrubs, it is unclear why the agricultural land could not be used for the grazing of livestock which would not require the removal of any existing landscaping within the interior of the site. Alternatively, the existing small trees and shrubs could be relocated elsewhere on the site to make use of the land for arable farming (i.e. crops), or for meadow farming (hay production) or pastoral farming (rearing of livestock).

Moreover, there is potential to create a limited sized opening in the west boundary of the site which would physically link and create a much larger parcel of agricultural land, and form part of a larger area of contiguous agricultural land. This larger piece of agricultural land could be used on a commercial basis and potentially make a more meaningful and viable contribution to the APA. This is likely to have only minor environmental impact and would be similar to other punctuated stone walls, earthbanks or hedgebanks seen across the Island which often provide for the connectivity of agricultural fields and holdings.

Overall, the land in question has the potential to be used in a way that could positively contribute to the commercial agricultural industry on its own accord, or could potentially be amalgamated with the adjoining field to the west, or be used in association with adjoining and nearby fields to the south of the site. This is a typical example of the style of farming practice on Guernsey which is made up of a patchwork of fields which individually and cumulatively contribute, or have the capability to contribute, to the Island's commercial agricultural industry. This style of operational use of smaller sized parcels is reflected in the preceding text of Policy OC5(A) (paragraph 17.3.2):

*"...agriculture plays a relatively small part in Guernsey's economy it has a valuable land management function, protecting and enhancing the countryside and providing visual access to open space. Farmers operate across a scattered pattern of generally small fields, the result of a history of dairy farming, which can constrain viability but which typifies the traditional, small scale and intricate landscape. In seeking to facilitate a viable rural economy, the farming industry should be protected as much for the role it plays in land management as for its produce."*

Consequently, the level of information submitted does not provide convincing evidence to satisfactorily demonstrate 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. If approved, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and is therefore contrary to Policies GP15(c) and OC5(A).

#### Impact on the landscape character and openness of the area

Paragraph 19.16.3 of Policy GP15 refers to the intentions of the Strategic Land Use Plan, where it is considered that whilst the domestication of the landscape generally runs counter to the desire to preserve the local character of our landscapes, *"minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island."*

With regards to the impact on the landscape character and openness of the area, Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area. Consideration is also afforded to

whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

In this case, the land the subject of this application is located within the Lowland Landscapes as identified in Annex V of the Island Development. The application site straddles two landscape character subzones, namely Wetlands (freshwater Marais areas) and Lowland Hills.

Annex V.33 describes the characteristics of Wetlands (freshwater Marais areas) as:

*“The extensive Marais areas across the north of the Island are essentially freshwater marshes (with occasional small hougues) which have been drained, probably for many centuries, by man-made channels. Recent drainage measures (since the mid-20<sup>th</sup> century) have greatly reduced the incidence of winter flooding, which previously tended to limit the amount of development in these areas; some areas have, however, remained wet and these often support valuable semi-natural vegetation. The same regular flooding also meant that tree cover, apart from willows and other water tolerant species, is not a particularly prominent feature within the Marais areas. Because these areas are physically of a lowlying horizontal form, existing development, and such tree cover that is established, can obscure much of their character which can now often only be fully appreciated from within the remaining areas of open meadow and in occasional views from surrounding higher land. Much of the development comprises horticultural structures, although there are considerable areas of residential development.*

Annex V.35 describes the characteristics of the Lowland Hills as:

*“Across the lower parishes generally, there are characteristic groupings of hougues, or small rocky hills, of various sizes, generally larger than the small hougues scattered within the Coastal and Wetland areas. Also forming a prominent feature is the low escarpment which provides a transition between the Vingtaine de l’Epine/Le Braye du Valle wetland corridor and the higher level of the Central Plain. Both types display shelving at varying levels, associated with the geological features of 8m, 18m and 30m raised beaches.*

*V.38 The Lowland Escarpment is of the same diorite geological base as the hougues, giving rise to many similar characteristics, but forms a relatively well-defined escarpment along the northern edge of the Central Plain area, rather than a series of separated hillocks. The Lowland Escarpment is not, however, as prominent as the Escarpment forming the main transition between the upper and lower parishes, and has tended to be obscured, at least from many of the surrounding roads, by ribbon development which has taken place since the early twentieth century. Additionally, there is little public access to the Escarpment area, other than the half dozen roads that traverse this feature.”*

The land forms part of a large swathe of open and undeveloped land which extends to the south and west, and is also visible from vantage points along Rue Mainguy, to the north-west of the application site. As set out above, views from Rue Mainguy stretch for hundreds of metres, when looking southwards across a series of fields, towards the rear of buildings fronting onto Rue des Marais. This in turn positively contributes to the undeveloped landscape, amenity of the area, and the feeling of openness in the mix of wider ribbon development.

If approved, the proposal would result in an obvious and significant incursion (4,741sqm) beyond the extent of the existing residential property and into the rural environment, thus resulting in the suburbanisation of the countryside to the detriment of the wider open and undeveloped landscape character, and the appearance of the surrounding area. The proposal would reduce the feeling of openness when viewed from Rue Mainguy as the parcel of land provides a visual break and acts as an important 'breathing space' in the landscape.

The domestication of this land would be likely to adversely affect the landscape character and openness, particularly through the introduction of domestic paraphernalia. Whilst revoking exemption rights would provide a degree of control over ancillary domestic structures and buildings, this could not control ancillary domestic structures and paraphernalia associated with a domestic use of the land that does not need planning permission, such as garden furniture, children's play equipment, clothes drying or ornamental landscaping. This would accentuate the suburbanisation of the land and would cause unacceptable harm to the landscape character and openness of the area.

In this case, the existing shipping container together with the domestic appearance of the gate serving the field are seen as detractors in the landscape and therefore should be removed from the site to restore its rural appearance given that they do not appear to have benefited from planning permission.

#### Biodiversity Enhancements:

The application is required to demonstrate a biodiversity enhancement scheme in order to take into account the Strategy for Nature, 2020. The proposal would include additional tree planting, 'wild' areas through careful management, fruit trees, compost heap, beehives and bird boxes. The application would provide a degree of biodiversity enhancement as a result of the proposal. Whilst further biodiversity enhancements could be incorporated as part of the proposal, the level of proposed enhancement is considered sufficient to take into account the Strategy for Nature, 2020.

#### Summary:

Overall, the requirements to ensure the protection of open and undeveloped land and the landscape character outweigh the reasonable aspirations of the landowner to incorporate additional land into the curtilage of their dwelling. The proposal is contrary to Policies GP15(A) and GP1 of the IDP.

As set out above, the proposal does not accord with Policies OC5(A), GP15 and GP1 and it is recommended that the application is refused.

### **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:** 25/06/2026



