

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect ancillary outbuilding and change of use of agricultural land to domestic garden (3,569sqm).

LOCATION: Pilbara, La Rue Du Passeur, Vale.

APPLICANT: Mr M De La Mare

I refer to the application referred to below received as valid on 02/07/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/08/2026

Drawing Nos: MAT Ltd: 26-434-01, 02, 03

Application Ref: FULL/2026/1077

Property Ref: C014690000

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 building proposed, by virtue of its size, fenestration arrangement and nature of the proposed independent occupation and use is tantamount to the erection of a separate dwelling which would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13 and by extension Policy OC1 which precludes new build housing Outside of the Centres.

2. It is a requirement, in line with the States' Strategy for Nature, 2020 Supplementary Planning Guidance, 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 should planning permission be granted. The application is, however, entirely silent on this matter and so fails to comply with the requirements of the SPG.

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/2026/1077
Property Ref: C014690000
Valid date: 02/07/2026
Location: Pilbara La Rue Du Passeur Vale Guernsey GY3 5JP
Proposal: Erect ancillary outbuilding and change of use of agricultural land to domestic garden (3,569sqm).
Applicant: Mr M De La Mare

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The building proposed, by virtue of its size, fenestration arrangement and nature of the proposed independent occupation and use is tantamount to the erection of a separate dwelling which would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13 and by extension Policy OC1 which precludes new build housing Outside of the Centres.
 2. It is a requirement, in line with the States' Strategy for Nature, 2020 Supplementary Planning Guidance, 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 should planning permission be granted. The application is, however, entirely silent on this matter and so fails to comply with the requirements of the SPG.
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OFFICER'S REPORT

Site Description:

Pilbara, La Rue Du Passeur is a one and a half-storey dwelling situated to the west of the road. The property has a vehicular access adjacent to the south site boundary with an area of parking towards the rear of the property/garage. To the rear the land splays out to the north and south and is significantly wider than the roadside plot frontage. A domestic greenhouse, trampoline and climbing frame appear to be present (2025 aerial photograph) to the north of the dwelling and to the rear of the dwelling presently known as Le Route Pre. Beyond the north site boundary is Mahy Mowers with workshop style buildings running along the length of that boundary. To the west is open and undeveloped land and to the south is a mix of frontage residential properties/gardens and open land.

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

Relevant History:

CURT/2025/1304 - Definition of curtilage

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to domestic garden to the rear of Pilbara in order to facilitate the construction of a detached, single-storey pitched roof outbuilding to the rear of the main house. The building is indicated to be situated c. 4m from the rear elevation of the attached garage and its associated window. The accommodation comprises a bedroom with separate dressing room and ensuite bathroom, a separate entrance lobby and a WC/utility room and an open plan living, kitchen and dining room. Primary fenestration faces west across the proposed garden area whilst fenestration to the north, facing the main house, is limited to a high-level window only. A new hedge and gate are proposed offering separation between the two buildings.

The submission has been accompanied by supporting information that the proposal will enable the existing occupier to vacate the main house so that the next generation can reside in the larger property with the smaller accommodation for the existing home occupier. The scheme confirms that there will be an independent kitchenette, lounge and dining, ensuite bedroom and independent access and patio. Confirmation is proposed that the garden, vehicular access and parking will be shared and there will be joint utility supplies and with occasional meals taken in the main house but that ultimately there is no need for anything for to be shared with the main house other than the external spaces.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Ancillary Living Unit Advice Note (AN1)

Strategy for Nature Supplementary Planning Guidance

Representations:

National Trust of Guernsey –

Local Area landscape Character:- The site lies within an area of landscape value in the north of the Vale parish. This district contains a series of open spaces which form a concentration of fields in an area bounded by La Rue du Passeur to the east, Les Hautes Landes to the south and Rue du Marais to the west. The site is bordered by a mixture of residential and retail property to the north which with access from Les Mielles Road, which also borders L' Ancresse Common to the north. The contiguous pattern of fields and open space enables wildlife corridors to be protected so giving greater opportunities for wildlife species and biodiversity to succeed.

Problematic Issues:- The application site forms a part of the land associated with a single dwelling. The existing dwelling enjoys the benefit of both a large garden and the adjacent field space. Should this planning application be granted, the loss of an agricultural field to domestic curtilage would have the effect of diminishing the connectivity of the green spaces of the north of the Vale.

Also, it would be possible to construct the proposed dower unit within the existing domestic curtilage, without disturbing the adjacent field to the west of the existing house or in the least apply for a change of use from agricultural land to domestic curtilage for a minimum area within the existing field. If the planning application for change of use from agricultural land to domestic curtilage were granted, then this could subsequently pave the way for applications for associated garden facilities such as a swimming pool, changing cabins I sauna, garden office, hard paving and the like. This would have the impact of changing the nature of the area involved and breaking up this important green space in the Vale.

Consultations:

None.

Summary of Issues:

The key issues in this case are the principle of the change of use of the land to domestic garden and the provision of biodiversity enhancements, having regard to the Strategy for Nature Supplementary Planning Guidance. In relation to the proposed building, consideration is given to its design and appearance, its impact on the locality and neighbouring amenity, and its use as habitable accommodation for a family member.

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

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 area of land is well associated with the existing dwelling, Pilbara, and is not located within an Agriculture Priority Area. The boundaries of the site are clearly defined and the surrounding land is in separate ownership to Pilbara and the agricultural land that is the subject of this application. The application does not require any established boundary features to be removed in connection with the change of use of the land and the land is not identified as being situated within an Area of Biodiversity Importance.

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.

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 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.

It is considered that the change of use would accord with Policy GP15 a)- e). Given the established site boundaries the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

Concerns have been raised through the public consultation process regarding householder development. As domestic garden normal householder exemption rights would apply, and it is reasonable to consider whether it would be necessary to remove any householder exemption rights in this case. Given the location of the site amongst other development (north and south) controlling boundary treatments to those boundaries would not be appropriate. A fence or wall more than 90cm high along the west boundary could impact on the character of the open landscape to the west and so it is reasonable to remove exemption rights for high fences and walls but not for earthbanks. Given an existing metal shed (currently on agricultural land and constructed without the benefit of planning permission), the possibility of a large domestic outbuilding (ancillary living accommodation – subject to permission) and the existence of a domestic greenhouse limited further physical structures could be erected without the need for planning permission. Having regard to the position of the land in relation to wider open land and established site boundaries it is not considered necessary to remove other householder exemption rights.

The comments received in relation to local wildlife and green corridors have been noted. It is a requirement, in line with the States' Strategy for Nature, 2020 Supplementary Planning Guidance, 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 should planning permission be granted. The application is, however, entirely silent on this matter and so fails to comply with the requirements of the SPG.

If the scheme were acceptable in all other respects the scheme could have been deferred in order for this information to be supplied and the matter of providing biodiversity enhancements could then have been managed by planning condition, with an informative note drawing attention to the current Wildlife Ordinance which affords protection to birds, bats etc.

Erection of a detached outbuilding

Having established the principle of the change of use of agricultural land to domestic garden there is scope to erect a building that sits as indicated in this application submission. Although the representor has noted that such a building could be situated within the existing curtilage the application must be assessed as presented.

The application is for an outbuilding to be used as habitable accommodation. A domestic outbuilding may, however, be used for any other purpose which is incidental to the enjoyment of the dwelling. In principle, constructing a domestic outbuilding containing ancillary and incidental accommodation associated with Pilbara is acceptable.

The accommodation is described as providing an annex or dower but the submission highlights that nothing will be required to be shared with the main house. Within the Ancillary Living Unit Advice Note ancillary living accommodation is defined as:

a building, or part of a building, for residential purposes" which "is used, or is intended to be used, as living accommodation, to be occupied only by a person(s) who is allowed access to the principal dwelling and its facilities, without limitation" (Building (Guernsey) Regulations). This for example could be a live-in carer of an occupier of the principal dwelling or a relative of an occupier of the principal dwelling. For clarity, an ancillary or associated living accommodation unit may be self-contained but cannot be occupied as a separate dwelling independent from the principal dwelling. It is secondary accommodation to the existing dwelling.

A main issue when dealing with proposals for ancillary or associated living accommodation is whether the accommodation to be provided will be incidental or subordinate to the occupation of the principal dwelling and the Advice Note also highlights key points to assist in the assessment of whether accommodation would be ancillary/associated to the principal dwelling:

- Relationship between occupiers of the ancillary living accommodation and principal dwelling – the accommodation is to be occupied by a family member

- Physical relationship between the ancillary accommodation and principal dwelling – the proposed building would be well related to the garage of the main house but with its own independent entrance door and only high-level fenestration facing north and a separating hedge to the garden area to the immediate rear of the main house. Secondary fenestration (kitchen) and a bathroom window are proposed in the front façade, along with the entrance door which would reduce disturbance to occupiers when occupiers of the principal dwelling access the garage and parking. As proposed therefore, the building does not have good connectivity or intervisibility between fenestration for the main house and ancillary accommodation.
- Shared vehicle access – this has been confirmed as shared.
- Separate utility supplies - joint utility have been confirmed.
- Shared facilities with the principal dwelling – garden and parking only.

Policy GP13 highlights that dower units will be supported where the additional accommodation is “*demonstrably ancillary and well-related to the existing dwelling*”. As ancillary living units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. Given the size of the existing dwelling however, the proposed accommodation could be considered subordinate to that however, the submission outlines how independent the accommodation would be.

The proposed accommodation would have a total internal floorspace of c.84sqm which when considering the minimum accommodation sizes for dwellings and flats could technically be sufficient for a dwelling occupied by 7 persons. It would be sufficient in size therefore, to have all the facilities found in a self-contained unit of accommodation. The building would be of a size that could easily provide the level of accommodation required for day to day living as a separate residential unit which would require different policy considerations and formation of a separate unit of residential accommodation would be precluded in this situation Outside of the Centres.

The minimum accommodation size for a two-person dwelling would be 35sqm (one person = 30sqm). The combination of the size and nature of the proposed use of the outbuilding proposed gives the impression that the outbuilding would form a separate planning unit and is more akin to the erection of an independent new build dwelling, which would be precluded under Policy OC1 (Housing Outside of the Centres). The issue in this case is that subordination is not simply about size but rather whether the smaller unit remains functionally and physically part of the principal dwelling. The proposed accommodation will have its own kitchen, bathroom, living room, separate utility/WC and is as such capable of being occupied and operated independently. The hedge shown on the submitted plans and fenestration position results in a degree of physical separation and private views not integration as expected with ancillary living accommodation units. As a result, the proposal does not therefore, demonstrably constitute householder development ancillary to an existing dwelling and does not accord with Policy GP13.

The siting and design of the building is such that it represents a standard of design that respects the built environment and which will not result in harm to the open landscape

that exists to the west and south of the site. Its siting and single-storey design are such that the development will not result in overshadowing or overlooking to neighbouring properties and will offer good level of amenities for future occupiers.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusions

In view of the layout of the accommodation/fenestration and associated planting and the independent nature of the accommodation 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. Where relevant these have been considered in the assessment of this application.

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: 17/08/2026

