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 extend car parking area in relation to Garage (815sqm). Remove earth-bank, alteration to ground levels, erect retaining earth-bank and extend hardstanding area to north of site and associated works.

LOCATION: Forest Road Garage, Forest Road, Forest.

APPLICANT: Luxicar

I refer to the application referred to below received as valid on 14/08/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/10/2026

Drawing Nos: SOUP Architects Ltd: 543_100, 101

Application Ref: FULL/2026/1130

Property Ref: H002850000+H006740000

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. 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.

The land is predominantly flat and features a suitable vehicular access located along the north boundary of the site, which is understood to be used by agricultural vehicles/machinery. The field also forms part of a broader area of contiguous agricultural land extending to the east and west, and to the north, albeit separated by a rural lane. Consequently, the land in question is understood to be used for commercial agriculture, and therefore the loss of a section of the field for use in association with Forest Road Garage would have a detrimental effect on the available land safeguarded for the agricultural industry.

Moreover, the extent of engineering proposed, including the loss of existing boundary treatments, the level of excavation required due to the change in ground levels, the creation of new boundary treatments, and the extent of hard surfacing for car parking, leads to the conclusion that the development would have an unacceptable adverse environment impact.

Overall, 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 north, east and west and is visible in views along Chemin Le Roi. The development would unnecessarily and inappropriately encroach onto agricultural land and therefore would have a detrimental effect on the wider open and undeveloped landscape character. In this case, the requirements to ensure the protection of open land and landscape character outweigh the reasonable expectations of the landowner to extend car parking provision at Forest Road Garage by incorporating agricultural land located within the Agriculture Priority Area. 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2026/1130
Property Ref:	H002850000+H006740000
Valid date:	14/08/2026
Location:	Forest Road Garage Forest Road Forest Guernsey GY8 0AB
Proposal:	Change of use of agricultural land to extend car parking area in relation to Garage (815sqm). Remove earth-bank, alteration to ground levels, erect retaining earth-bank and extend hardstanding area to north of site and associated works.
Applicant:	Luxicar

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. 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.

The land is predominantly flat and features a suitable vehicular access located along the north boundary of the site, which is understood to be used by agricultural vehicles/machinery. The field also forms part of a broader area of contiguous agricultural land extending to the east and west, and to the north, albeit separated by a rural lane. Consequently, the land in question is understood to be used for commercial agriculture, and therefore the loss of a section of the field for use in association with Forest Road Garage would have a detrimental effect on the available land safeguarded for the agricultural industry.

Moreover, the extent of engineering proposed, including the loss of existing boundary treatments, the level of excavation required due to the change in ground levels, the creation of new boundary treatments, and the extent of hard surfacing for car parking, leads to the conclusion that the development would have an unacceptable adverse environment impact.

Overall, 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 north, east and west and is visible in views along Chemin Le Roi. The development would unnecessarily and inappropriately encroach onto agricultural land and therefore would have a detrimental effect on the wider open and undeveloped landscape character. In this case, the requirements to ensure the

protection of open land and landscape character outweigh the reasonable expectations of the landowner to extend car parking provision at Forest Road Garage by incorporating agricultural land located within the Agriculture Priority Area. The proposal is contrary to Island Development Plan Policies GP15(a) and GP1.

OFFICER'S REPORT

Site Description:

The application site, known as Forest Road Garage, comprises a petrol filling station, car sales, showroom and garage. The site is situated north of Forest Road and is situated Outside of the Centres as defined in the Island Development Plan.

To the north of the garage lies a parcel of agricultural land which is accessed off Chemin Le Roi. The agricultural land is located within an Agriculture Priority Area and the Airport Public Safety Zone as defined in the Island Development Plan.

Relevant History:

Pre-application advice was sought in relation to changing the use of agricultural land in order to create a parking area for staff members associated with the garage.

Existing Use(s):

Forest Road Garage – Sui Generis. Petrol filling station, car sales, showroom, garage and ancillary services.

Brief Description of Development:

Planning permission is sought to change of use of agricultural land (circa. 815sqm) to extend car parking provision in respect of Forest Road Garage.

The proposal includes removing a hedgebank along the north boundary, altering the ground levels, and erecting an earth-bank, while extending hardstanding to the north of the site and associated works.

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.
Policy OC3: Offices, industry and Storage and Distribution Outside of the Centres.
Policy OC4: Retail Outside of the Centres.

Strategy for Nature (2020) Supplementary Planning Guidance.

Representations:

The Authority has received one representation objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The applicant has not demonstrated that the land cannot be used for agricultural purposes.
- Any relaxations to this land's designation could result in further extensions being applied for in the future.
- The species of the existing boundary treatment is not clear.
- No details have been given on the present vegetation so it is difficult to evaluate if the landscaping proposal will deliver net gain.
- No commitment as to the future management of the land has been given.
- Guernsey is trying to reduce the Island's reliance on the motor car; covering this APA with tarmac will not help to achieve this.
- If permission is granted, other businesses will be encouraged to expand into Guernsey's green spaces.

Consultations:

Agriculture, Countryside and Land Management Services:

"We are writing in response to the application for the change of use of agricultural land to extend car parking area in relation to Forest Road Garage (815sqm). Remove earth-bank, alteration to ground levels, erect retaining earth-bank and extend hardstanding area to north of site and associated works. We note that the site is designated as an Agriculture Priority Area (APA) within the Island Development Plan. Whilst the Planning & Design Statement accompanying the application states that the land in question does not form part of an agricultural holding or farmstead, our most recent records indicate that the site was managed as farmed agricultural land in 2025.

It has therefore not been demonstrated that the land is incapable of making a positive contribution to the commercial agricultural use of the APA. The parcel forms part of a wider, contiguous block of agricultural land, and there appears to be no clear reason why it could not continue to contribute to the viability and efficient management of the wider farming operation. Furthermore, the proposed reduction in the agricultural parcel could adversely affect the practical and efficient farming of the remaining land.

On this basis, we recommend that the application not be approved, as the proposal has not demonstrated compliance with Policy GP15, paragraph 19.16.11 of the Island Development Plan.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative."

States Archaeologist:

"There is some potential for prehistoric occupation to be present in this field. It lies 150m due north of a field off Rebouquets Lane where prehistoric settlement was identified in 2013... While there can be no guarantee that settlement is also present at this location, the good quality of the soil and the similar ground conditions to both the Rebouquets Lane site and the land to the west of the airport runway, excavated in 2009-12, suggest that it has higher than usual potential for prehistoric archaeological remains.

This could be further examined in two principal ways: either through a watching brief of removal of the soil, or at an earlier stage by digging two or three test-pits in the southern part of the field to assess whether any prehistoric remains are present. I would recommend the latter approach since it would then inform us whether it would be desirable to maintain a watching brief on the earth removal. I would be happy to discuss this further with the applicants, of course."

Summary of Issues:

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

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).

The proposal to change the use of the land 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 and the proposal would have no adverse effects on neighbouring residents.

Loss of agricultural land within an Agriculture Priority Area

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

In order to protect Guernsey's best agricultural land, proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Areas will only be supported where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan. The policies place the onus on the applicant to demonstrate that this is the case.

The Authority has published non-exhaustive guidance on matters that could be taken into account, noting that '*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).'*

In this case, the field to the north of the garage forms part of an Agriculture Priority Area. The land is predominantly flat, with 'excellent' soil quality (based on ADAS Agricultural Land Classification Map), and features a suitable vehicular access located along the north boundary of the site which is understood to be used by agricultural vehicles/machinery based on recent Orthophotographs.

The field also forms part of a broader area of contiguous agricultural land extending to the east and west, and to the north, albeit separated by a rural lane. Due to the recent use of the field in 2025, as substantiated further by Agriculture, Countryside and Land Management Services (ACLMS) and from orthophotographs, the land is understood to be used for commercial agriculture, and therefore the loss of a section of the field for use in association with Forest Road Garage would have a detrimental effect on the available land safeguarded for the agricultural industry. ACLMS also goes onto state that:

> *"It has therefore not been demonstrated that the land is incapable of making a positive contribution to the commercial agricultural use of the APA. The parcel forms part of a wider, contiguous block of agricultural land, and there appears to be no clear reason why it could not continue to contribute to the viability and efficient management of the wider farming operation. Furthermore, the proposed reduction in the agricultural parcel could adversely affect the practical and efficient farming of the remaining land."*

Moreover, the extent of engineering proposed, including the loss of existing boundary treatments, the level of excavation required due to the change in ground levels, the creation of new boundary treatments, and the extent of hard surfacing for car parking, leads to the conclusion that the development would have an unacceptable adverse environment impact.

The agent has set out the following points in their letter of 3rd July 2026 to seek to justify the proposal, and how it takes into account some of the factors set out above:

> "*…the land is not an agricultural holding or a farmstead…. The land area of this application is only 720sqm, where 3,390sqm will be retained… the land is not visible from a public place… the impact on the landscape character is not unacceptable... The view from Chemin Le Roi does not fundamentally change to the proposed land levels and landscaping. The impact on landscape character is not unacceptable… the loss of land required is the minimal necessary to sustain business operations of FRG only and does not impact commercial scale level agriculture…. The boundary between is scrub hedging and non-native species. It is not a distinctive feature and its loss and subsequent native replacement is acceptable."*

Despite the comments made by the agent, 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. The proposal therefore conflicts with Policies GP15(c) and OC5(A).

<u>Impact on the landscape character and openness of the area:</u>

Paragraph 19.16.3 of Policy GP15 refers to the intentions of the Strategic Land Use Plan, where it is considered that:-

> "*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*".

Paragraph 19.16.7 and 19.16.8 of Policy GP15 states that:-

> "*there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. An assessment of proposals will take into account the impact on the wider areas of open landscape and Agriculture Priority Areas…*
>
> *the character and openness of the landscape can be affected by the introduction or intensification of ancillary fixtures and features, such as car parking, bin storage areas or boundary treatments. It can also change as a result of physical change to landscape features, such as hedges or earth banks. Care should be taken to ensure that proposals to create or extend a curtilage do not result in the removal or introduction of features that would detract from the character or distinctiveness of an area".*

Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, and states that:

> "*the value of the landscape and open and undeveloped land will be required to be assessed in a wider context rather than in terms of the impact development might have on an individual site. Development that affects landscape character or distinctive natural or built features will be considered in the wider context of the landscape value of a particular locality. In assessing development proposals, the Authority will balance the character of the locality concerned with the aspirations for development as set out above".*

The application site falls under the Plateau landscape as identified in Annex V of the Island Development Plan.

While it is recognised that the area of land in question is set back from Chemin Le Roi and Forest Road respectively, the size of the land parcel in question is considerable, and forms part of a wider area of open land and therefore positively contributes to the landscape character and visual amenity of the area.

The level of engineering works involved would represent a significant encroachment onto prime agricultural land and would fundamentally alter the character of the parcel of land when taking into account; the level of excavation involved, the loss of established boundary treatments, repositioning of field boundaries, and the extent of tarmac proposed.

If approved, the proposal could also set an undesirable precedent for further encroachment onto agricultural land within the Agriculture Priority Area, contrary to the policy intent to protect this valuable asset for the agricultural industry from unnecessary and inappropriate forms of development.

It is also important to note that the area to the rear of Forest Road Garage currently contains a substantial amount of car parking. At present, there would appear to be 18 lanes of car parking, of which each are 3 rows deep, to the rear of the site. This would enable up to 54 cars to be parked along the north boundary.

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

<u>Implications of the Portholme Judgement</u>

In light of local case law, *Island Development Committee v Portholme [2002]*, the Court of Appeal held that *"… if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed."*

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the

applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

Due to the fundamental issues raised under Policies OC5(A), GP15 and GP1, the only lawful decision that can be reached is that planning permission be refused, and no other matter needs to be considered.

Conclusion:

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

Date: 6/10/2026