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 (1,350 sqm) and associated works.

LOCATION: Mowbray, Jamblin Road, Vale.

APPLICANT: Mr & Mrs Innes

I refer to the application referred to below received as valid on 17/08/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 09/10/2026

Drawing Nos: SOUP Architects: 553_010

Application Ref: FULL/2026/1326

Property Ref: C01618A000+C015410000

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 site is bounded by both La Vielle Marais to the north and Jamblin Road to the south and provides a natural buffer between the built environments. The site comprises a large swathe of open and undeveloped land. The site is also highly visible in various public views, particularly from along La Vielle Marais and Jamblin Road, and positively contributes to the landscape character and openness of the surrounding area.

Due to the size of the site and visibility in public views, the proposed development would represent an unnecessary encroachment onto undeveloped land and therefore would result in unacceptable harm to the landscape character and openness of the surrounding area. Overall, the proposal would be contrary to Island Development Plan Policies GP15(a) and GP1.

2. The field in question forms an important open space between buildings found within Les Mielles Conservation Area. Extending the domestic curtilage as proposed would adversely affect the spaces between buildings, as well as historic field patterns, and therefore would result in unacceptable harm to the Conservation Area. Overall,

the proposal would neither conserve or enhance the Conservation Area and therefore is contrary to Policy GP4.

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/2026/1326
Property Ref:	C01618A000+C015410000
Valid date:	17/08/2026
Location:	Mowbray Jamblin Road Vale Guernsey GY3 5EU
Proposal:	Change of use of agricultural land to domestic garden (1,350 sqm) and associated works.
Applicant:	Mr & Mrs Innes

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

The application site known as Mowbray, consists of a detached dwelling house located on the corner between La Vielle Marais to the west, and Jamblin Road to the south.

To the east of the house lies a large field, the subject of this application. Both the house and the field are situated Outside of the Centres and within a Conservation Area as defined in the Island Development Plan.

The field lies to the south of La Vielle Marais and is north of Jamblin Road. The field is bounded by low granite walls to the north and south, thereby enabling uninterrupted public views across the field and beyond, in both directions. Moreover, Jamblin Road is circa 1m higher than the field and provides pedestrian access onto the field. Two vehicular access points lie to the north of the site. Glasshouses once stood to the east of the site, although have since been cleared sometime between 1963 and 1979. A large body of water lies to the south of Jamblin Road.

Relevant History:

Reference No	Description	Decision	Date
PREA/2025/1822	Subdivide field using earthbanks with hedging and install gates.	Pre-application enquiry	2025

Existing Use(s):

Agriculture

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden.

The proposed extension of domestic curtilage represents an area of approximately 1,350sqm, as confirmed in the Application Form.

The agent's letter of 17th August 2026 sets out that the application focuses on only part of an existing field which is already divided into three identifiable compartments by hedges, fences and gates. The existing subdivision provides an established physical limit to the proposed garden extension and avoids an arbitrary or visually intrusive extension of domestic use into the wider field. The proposal would consequently retain the established field pattern and would not require the removal or repositioning of the existing hedge.

Other factors such as the impact on the Landscape Character and Open Land, Les Mielles Conservation Area, together with Design and Sustainable Development are also discussed.

The application has also been supported by a landscaping scheme to seek to address the requirements of the Strategy for Nature (2020).

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

OC5(B) Agriculture Outside of the Centres – outside the Agriculture Priority Areas.
GP1 Landscape Character and Open Land.
GP4 Conservation Areas.
GP15 Creation and Extension of Curtilage.

Strategy for Nature (2020) Supplementary Planning Guidance.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the change of use from agricultural land to domestic garden is acceptable.
- The impact of the development on the landscape character and appearance of the area.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

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 of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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.

Paragraph 19.16.4 of Policy GP15 states that:

> *"The Strategic Land Use Plan also states that land planning operates in the interests of the wider public good and is, by its nature, an encroachment into private property usage and, therefore, a balance needs to be struck between the public interest and personal choice. To achieve consistency with the Strategic Land Use Plan the Island Development Plan will apply a reasonable and proportionate level of control when considering proposals for the creation or extension of curtilages that respects the exercise of private choice in matters*

where there are no significant impacts on the achievement of the strategic policies of the States of Guernsey…

In some cases, the incorporation of land into the curtilage of a building will not undermine the overall objective of retaining and enhancing open land or supporting agriculture and there is a requirement to assess proposals carefully to ensure a reasonable balance is struck between achieving these objectives and enabling individuals to exercise personal choice in creating or extending curtilages."

The section of land which forms the subject of this application is not within an Agriculture Priority Area (APA). Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *"Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan".*

Policies GP15 (Creation and Extension of Curtilage), GP1 (Landscape Character and Open Land) and GP4 (Conservation Areas), are also relevant in assessing this application and are set out below.

<u>Creation and Extension of Curtilage:</u>

Taking each criterion of Policy GP15 in turn:

A proposal to create or extend curtilage will be supported where:

a. it would not have an unacceptable detrimental impact on the landscape character;

The parcel of land in question falls within the 'Lowland Hills' as set out in Annex V - Landscape Character of the Island Development Plan. Part of the wider field also falls under 'Wetlands', although this falls outside of the site area.

Lowland Hills is further split into two categories, 'Northern Hougues' (rocky hillocks) and 'Lowland Escarpment'. Both descriptions of these two subzones do not fully reflect the character of the site's immediate surroundings.

The openness of the site makes it an important natural feature within the landscape which is interspersed by residential development to the north, east and west. The site helps to visually distinguish and separates the built environments and therefore provides an important natural 'breathing space' in the wider landscape. While the field is divided into different zones, separated by post and wire fencing, the application site forms part of a wider area of open land and is recognised as one land parcel.

Moreover, the size of the land parcel coupled with its natural appearance is rare and distinctive in the landscape, which in turn increases the importance and protection of this feature from inappropriate and/or unnecessary development.

Allowing the change of use of land from agricultural to domestic would represent a significant encroachment into a wider area of open land.

Whilst revoking exemption rights would provide a degree of control over ancillary domestic structures and buildings, the change of use of agricultural land to domestic garden is likely to lead to suburbanisation of this otherwise undeveloped and open rural area. Domestic paraphernalia such as children's play equipment, washing lines, tables and seating and formalised landscaping could then be provided without further planning permission being necessary. Overall, the proposal is likely to result in unacceptable harm to the landscape character and would undermine the protection afforded to landscape character and undeveloped land as set out in criterion a) of Policy GP15 and Policy GP1.

The proposal would not satisfy the provisions of Policy GP15 a).

b. *it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority;*

The application site is not located in an Area of Biodiversity Importance therefore criterion b) of Policy GP15 is not relevant in this case.

c. it is 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 application site is not located in an Agriculture Priority Area therefore criterion c) of Policy GP15 is not relevant in this case.

d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area.

No boundary treatment would be lost based on the information submitted. Consequently, Policy GP15 d) has been satisfied in this case.

e. it would not adversely affect the reasonable amenities of neighbouring residents.

The proposal is not considered to adversely affect the amenities of neighbouring residents.

<u>Landscape Character and Open Land:</u>

Policy GP1 states that:

"*Proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.*

Paragraph 19.2.1 of Policy GP1 states that: *"….The Strategic Land Use Plan identifies the underlying landscape character and the openness of the undeveloped parts of the Island as factors that contribute positively to its character. In this respect, it requires the Island Development Plan to implement policies that will retain and enhance the distinctive qualities and features of Guernsey's countryside and to protect open land from unnecessary development."*

The impact on the landscape character and open land has been considered under criterion 'a' of Policy GP15. In summary, the change of use of land would represent an unacceptable loss of open and undeveloped land which is highly visible from multiple vantage points and which significantly contributes to the character and appearance of the wider area.

The parcel of land provides a natural buffer between the built environment to the east, north and west, which is important and noticeable when standing to the north or south of the application site along La Vielle Marais and Jamblin Road. This in turn increases the importance of protecting this area of undeveloped land from unnecessary development.

Overall, the parcel of land is distinctive within the landscape by virtue of its natural character, appearance and visibility within the locality and forms an important 'breathing space' between the wider built environments. Consequently, the change of use of this land would not respect the landscape character and openness of the land for the purposes of Policy GP1, and would result in an unacceptable encroachment into undeveloped land which contributes to the wider landscape character. Consequently, the proposal is not compliant with Policy GP1.

<u>Conservation Area:</u>

The application site is sited within Les Mielles Conservation Area:

As set out on page 299 of the IDP, the 'Reason for Designation' is due to the:

'Surviving spatial and architectural evidence of historical associations with farming and the use of common land, the quarrying industry and commercial vineries and the role played by Le Marais stream are important in explaining the development of Les Mielles and warrant its designation as a Conservation Area. Clusters of development of varying age, situated in the narrow winding lanes and flanking larger roads, are interspersed with open areas formed by fields, quarries and, most strikingly, by L'Ancresse Common. These relationships and the use of materials typical to the north of Guernsey lend a special interest to the area so that it is desirable to preserve or enhance its character and appearance as described above.'

It is also noted on page 90 in Designating Conservation Areas (March 2015) in respect of Les Mielles Conservation Area that:

> *"Buildings of merit to the west of La Vielle Marais form an attractive cluster around a walled field. These, and open fields between La Vielle Marais and Jamblin Road, are included due to their positive contribution to character. For the same reason, fields and buildings at La Croute Becrel are also included."*

The application site is within and forms part of the established boundary of the Conservation Area and is specifically identified within the 2015 Conservation Area Assessment, which recognises the contribution made by this open field to the area's special character and significance. The field remains visible from the public realm over the existing boundary wall, which is approximately 1.2 metres in height, and therefore continues to be experienced as an open agricultural parcel within the Conservation Area.

The introduction of additional subdivision boundaries, domestic paraphernalia and the change of use of the land to domestic curtilage would erode the open and undeveloped character of the field, which is an important component of the Conservation Area's significance. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and would result in harm to those special qualities identified in the Conservation Area Assessment.

Accordingly, the proposal is contrary to Policy GP4 of the Island Development Plan, which seeks to ensure that development preserves or enhances the character, appearance and setting of Conservation Areas.

Overall, the application is not compliant with the relevant Island Development Plan policies as set out above.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that the application be refused.

Date: 09/10/2026