

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: Convert stable/garage to residential dwelling and associated works (Revised Scheme).

LOCATION: Ville Vannier, Pleinheume Road, Vale.

APPLICANT: Mr & Mrs R Vermeulen

I refer to the application referred to below received as valid on 31/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 31/05/2024

Drawing Nos: Martel Design Ltd: 23-1077/03A & /04A.

Application Ref: FULL/2024/0199

Property Ref: C020570000

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. Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current occupiers in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The facilities provided by the stables/garage/store remain useful to serve the dwelling and to maintain associated land. The garage/store has recently been constructed and the building is clearly capable of being used for its approved purpose. It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).

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/2024/0199
Property Ref: C020570000
Valid date: 31/01/2024
Location: Ville Vannier Pleinheume Road Vale Guernsey GY6 8NP
Proposal: Convert stable/garage to residential dwelling and associated works (Revised Scheme).
Applicant: Mr & Mrs R Vermeulen

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current occupiers in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The facilities provided by the stables/garage/store remain useful to serve the dwelling and to maintain associated land. The garage/store has recently been constructed and the building is clearly capable of being used for its approved purpose. It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).

OFFICER'S REPORT

Site Description:

The application site comprises of a detached dwelling situated to the south-east of Pleinheume Road with a detached stable/garage/store to the rear. The site forms part of a ribbon development of residential properties along the highway and is located in a Conservation Area and is Outside of the Centres as defined in the Island Development Plan.

Relevant History:

25/08/2023 – FULL/2023/0887 – Application refused to convert stable/garage/store to residential dwelling.

07/09/2021 – FULL/2021/0718 – Permission granted for variation to previously approved plans to erect a garage with link to south-east of existing stable - Raise roof ridge height, install dormer windows and rooflights, and create store at first floor level,

increase floor area at ground and first floor level and install rooflights to south-east roofslope of existing stable and link.

01/10/2020 – FULL/2020/1101 – Permission granted to erect a garage with link to south-east of existing stable.

26/07/2019 – FULL/2019/1011 – Permission granted for the change of use of agricultural land to domestic garden.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to convert a stable/garage/store to a 2-bedroom dwelling, including alterations to fenestration.

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

S1 - Spatial Policy
S4 - Outside of the Centres
OC1 – Housing Outside of the Centres
GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
GP16(A) – Conversion of Redundant Buildings
IP6 – Transport Infrastructure and Support Facilities
IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter of objection was received, main points as follows:

- This application shows where the permission to allow an increase in curtilage was granted in 2019 is open to abuse.
- Was the intention all along to apply for housing permission?
- This application should be refused.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the building is no longer required or capable of being used for its current or last known purpose.
2. The impact of the development on the amenity of people living in 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).**

This application relates to a stable/garage/store to the rear (south-east) of the dwelling. Planning permission was granted in October 2020 to erect a garage with a link to the south-east of an existing stable (FULL/2020/1101) with a further permission to raise the ridge height and to increase the floor area of the garage approved in September 2021 (FULL/2021/0718). An application was subsequently refused in August 2023 to convert the stable/garage/store to a dwelling (FULL/2023/0887) on account that it had not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose and was therefore contrary to part (a) of Policy GP16(A).

This application is the same as the scheme previously refused in August 2023 except that additional information has been submitted with the aim of demonstrating that the existing building is redundant for the purposes of part (a) of Policy GP16(A).

The Spatial Policy of the Island Development Plan, expressed through Policy S1, is to, *“concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan”*.

This approach is reinforced through Policy S4 and the introduction to Part 3 of the Plan *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

In exceptional circumstances, in relation to housing, the Island Development Plan does however recognise the potential opportunity to convert and reuse redundant buildings. The balance in terms of housing provision Outside of the Centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined. To this end, any proposal to create housing must comply with a series of rigorous tests, summarised in Policy OC1 and encapsulated in Policy GP16(A) in the Island Development Plan.

The proposal is addressed against the criteria of Policy GP16(A) below.

a. It is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

The information submitted in support of the application, including an Affidavit from the applicant's, states that their rental portfolio has taken a rapid redirection following

Covid-19 and reduced tenant requirements for domestic storage or need for more furnishings. The outcome of this is that the dwelling Ville Vannier is now being let on a long-term lease as its own unit and with no requirement for the outbuilding or land or storage of any kind. It is advised that the applicant's own personal circumstances have changed with less storage, no intention to invest in vintage cars and with the land being curtilage no agricultural or horse storage requirements. It is also advised that given Ville Vannier has its own access, garage and ample storage for its detached residential requirements, they are now in the process of detaching the outbuilding from its ownership.

Works commenced on the garage in March 2022 and a Building Control completion inspection was conducted on 05/02/2024. Given the recent and robust construction of the building, it is clearly capable of being used for its authorised purpose and no evidence has been presented to the contrary.

Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current occupiers. For example, both personal circumstances and ownership can change resulting in changing needs over time. A broader objective assessment is required to test the redundancy of a building in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. This approach aligns with the conclusions of the Appeals Tribunal in respect of La Pomare Farm (ref PAP/010/2019), where the Tribunal concluded that, as a matter of principle, the demonstration of redundancy of a building relates not simply to the needs or wishes of the present owner of the property, but to redundancy of the building in its present or former use more generally.

In respect of whether the building at the application site is no longer required, the garage/store was approved to be used only for purposes incidental to the enjoyment of the dwelling house. The construction of the garage/store element was undertaken since March 2022 in the full knowledge that the structure could only be used for purposes incidental to the existing dwelling. The information submitted regarding apparent changes in circumstances since March 2022 are not compelling and it has not been demonstrated that the requirement which drove the construction of the building no longer exists. Whilst it is advised that the current occupiers do not presently require a garage and storage, this does not mean that the dwelling and site as a whole no longer requires the stable/garage/store.

The agent makes reference to two applications at other sites which are contended to have raised similar issues (Jezero, FULL/2017/1680 and La Pomare Farm, FULL/2021/2022). The application at Jezero (FULL/2017/1680) related to an outbuilding which was originally constructed as a garage for a dwelling. Another garage was subsequently constructed closer to the dwelling and the outbuilding passed into separate ownership, entirely disconnected to the ownership and use of the dwelling. However, in this case the existing garage, shed and storage facilities associated with Ville Vannier existed prior to the construction of the garage/store the subject of this application. Therefore, there was a deemed need for the garage/store the subject of this application despite and in full knowledge of the existing garage, shed and storage

facilities already associated with Ville Vannier. In addition, the stable/garage/store the subject of this application and the dwelling Ville Vannier remain in the same ownership, and would still remain within the applicant's overall ownership if it was in the ownership of one of their company holding names.

With regards to the application at La Pomare Farm (FULL/2021/2022), additional information was submitted, including an Affidavit from the applicants, which demonstrated that adequate other storage options were available to serve the dwelling and that the building was not required for storage. However, the information provided regarding the other storage options available for La Pomare Farm was far more comprehensive than has been submitted as part of this current application. In addition, La Pomare Farm referred to a longstanding outbuilding. Whereas this current application refers to a garage /store which was constructed since March 2022 in the full knowledge that the structure could only be used for purposes incidental to the existing dwelling and in full knowledge of the other existing garage, shed and storage facilities associated with Ville Vannier.

As a result, there are significant material differences between both of the previous applications referred to by the agent and this current application and neither of the previous applications referred to provide a precedent for this application.

It remains the case that the facilities provided by the stable/garage/store remains useful to serve the dwelling and to maintain the associated land. The garage/store has recently been constructed and the building is clearly capable of being used for its approved purpose. It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).

b. The conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal creation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. The existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

Following the approach taken by the Planning Tribunal in relation to an appeal under GP16(A) (Rue Coutance Ref: PAP/008/2019), this criterion must be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

The preceding text to Policy GP16(A) states that a structural survey will usually be required to address this criterion. No such survey has been submitted as part of the current application. However, taking into account the form of construction of the building and the recent nature of the construction, it is accepted that the garage/store

element of the building is of sound and substantial construction and is capable of its intended use. Further information would be required to demonstrate that the former stable section of the building is of sound and substantial construction but as the application does not otherwise accord with Policy GP16(A), this information has not been requested.

The works proposed to facilitate the conversion involve the infilling of garage openings, the installation of a window in the south-east and south-west elevations, the installation of garage doors in the north-east elevation and internal alterations including the removal of partitions and the installation of insulation.

In determining the previously cited appeal, and taking into account para 19.17.7 of the Island Development Plan, the Tribunal concluded that work necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, together with the installation of internal partitions, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A). The remaining works noted are not considered to amount to extensive alteration or rebuilding.

d. The proposal would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

There are no protected buildings at the site or immediately adjoining the site.

e. The proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is not considered to comprise a building of character.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The entire site is recognised as forming the domestic curtilage of the existing dwelling. The building is situated behind the existing dwelling and neighbouring dwellings which front onto the highway resulting in limited public views of the site. No extensions to the existing building are proposed and the use of the building as a separate dwelling is unlikely to have any significant adverse impacts on the character and openness of the landscape or the character and appearance of the Conservation Area.

g. The conversion would not require more than modest extension to the existing building for it to be achieved;

No extension is proposed.

h. The proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area;

A 1st floor window in the north-west gable faces towards the existing dwelling but the existing pitched roof of the proposed garage would largely restrict views towards the existing dwelling. Together with the distance between the properties, the 1st floor window in the north-west gable is unlikely to result in a significant loss of privacy for the existing dwelling.

Two 1st floor rooflights in the south-west elevation face towards a neighbouring property. The rooflights would be set back approximately 9m from the neighbour's boundary and together with the layout of the neighbouring property, the rooflights are unlikely to result in a significant loss of privacy.

The converted building would provide an appropriate level of accommodation for a two-bedroom dwelling, exceeding the minimum best practice guidance set out in the Technical Housing Standards – nationally described space standard, and achieving adequate levels of daylight. The size and quality of the outdoor space would be generous. Overall, the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

The dwelling is proposed to be served by an existing access which previously served agricultural land. The access has the potential to provide adequate sightlines if the hedges either side of the access were lowered. However, as the application does not otherwise accord with Policy GP16(A), details to ensure the reduction in height of the existing hedges has not been requested.

Where new housing is formed through the conversion of buildings Outside of the Centres, the requirement for that building to be redundant is a fundamental element of Policy GP16(A) in order limit new development and new housing Outside of the Centres in order to accord with the overall Spatial Policy. Consequently the proposal cannot be considered as a minor departure.

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

It is recommended that the application is refused.

Date: 31/05/2024