

**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:** Demolish dower wing, erect dwelling and detached garage and associated works to north of site.

**LOCATION:** La Pointe Farm, Rue Du Lorier, St. Pierre Du Bois.

**APPLICANT:** Mr & Mrs K Gallichan

I refer to the application referred to below received as valid on 11/07/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 09/10/2024

**Drawing Nos:** 2309/ 5 & 6.

**Application Ref:** FULL/2024/1133

**Property Ref:** F001370000

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 redeveloped scheme, comprising of a dwelling and garage, is not of broadly the same floor space and volume as the approved subdivision scheme. The proposal does not accord with part (ii) of Policy OC1.
2. Whilst the land is recognised as domestic, it forms part of a wider area of open land and is visually prominent from the public highway to the west. The proposal would result in a significant incursion beyond the extent of the existing built development on the site, it would not be well related to the existing built development and it would detract from and have an increased impact on the character and openness of the area. The proposal is contrary to Policies OC1 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/2024/1133  
**Property Ref:** F001370000  
**Valid date:** 11/07/2024  
**Location:** La Pointe Farm Rue Du Lorier St. Pierre Du Bois Guernsey GY7 9JU  
**Proposal:** Demolish dower wing, erect dwelling and detached garage and associated works to north of site.  
**Applicant:** Mr & Mrs K Gallichan

**RECOMMENDATION - Refusal with Reasons:**

---

**REASONS FOR REFUSAL**

1. The redeveloped scheme, comprising of a dwelling and garage, is not of broadly the same floor space and volume as the approved subdivision scheme. The proposal does not accord with part (ii) of Policy OC1.
  2. Whilst the land is recognised as domestic, it forms part of a wider area of open land and is visually prominent from the public highway to the west. The proposal would result in a significant incursion beyond the extent of the existing built development on the site, it would not be well related to the existing built development and it would detract from and have an increased impact on the character and openness of the area. The proposal is contrary to Policies OC1 and GP1.
- 

**OFFICER'S REPORT**

**Site Description:**

The site comprises of a group of buildings in the south-west corner which includes a traditional two storey dwelling and a series of detached barns and outbuildings which have a variety of uses including self-catering accommodation and stables. To the east and north of this is a large hard surfaced parking area with amenity space to the north and west of the buildings. The western section of the site is recognised as forming the curtilage of the dwelling and visitor accommodation uses. To the east of this is an area of agricultural land which is under the same ownership.

The site is located to the east of Route des Paysans and bounds La Houquette School to the north. The entire site is situated within an Agriculture Priority Area and is Outside of the Centres.

**Relevant History:**

03/11/2023 – CLU/2023/0935 – Certificate of Lawful Use application refused to regularise use of agricultural land as a domestic garden in association with La Pointe Farm (1,400sqm) (Residential Use Class 1). Application subsequently granted on appeal 23/04/2024 (PAP/012/2023).

19/10/2023 – FULL/2023/1454 – Permission granted to sub-divide, extend and alter dwelling to create 2 dwellings.

13/04/2023 – FULL/2022/1800 – Permission granted for the change of use of agricultural land to domestic garden (128sqm) (revised scheme).

27/05/2022 – FULL/2021/2562 – Application refused for the change of use of agricultural land to domestic land (6,000 sqm) and erect earth bank to north-east boundary.

**Existing Use(s):**

Residential use class 1: dwelling house

**Brief Description of Development:**

Planning permission was granted to sub-divide, extend and alter the existing dwelling into 2 dwellings in October 2023 (FULL/2023/1454). Permission is now sought to demolish the single storey wing which formed the recently approved additional dwelling and to erect a detached 1 bedroom dwelling and a detached double garage to the north of the existing dwelling.

The proposed dwelling comprises of a single storey pitched roof design, no details of the external finishes of the dwelling have been provided.

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

Policy OC1: Housing Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

**Representations:**

None

**Consultations:**

None

### **Summary of Issues:**

The main issues in deciding this application are:

1. Whether the principle of the development is acceptable, including whether the redeveloped scheme is of broadly the same floor space and volume.
2. The impact of the development on the 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).**

Planning permission was granted to sub-divide, extend and alter the existing dwelling into 2 dwellings in October 2023 (FULL/2023/1454). As a result of this previous permission, Policy OC1 makes provision for the demolition and redevelopment of the previously approved dwellings where the development meets specified criteria.

The number of units is the same as was approved in the subdivision scheme. The agent has submitted information to demonstrate that both the floor area and volume of the proposed dwelling itself has increased by less than 20% of the originally approved subdivision scheme. However, the development also includes a double garage equating to a further 55% of the floor area of the proposed dwelling. In addition, the siting of the garage in close proximity to the proposed dwelling and the positioning of fenestration, results in the garage being able to be easily linked to the proposed dwelling to increase the floor area of the dwelling with only minor alterations. Notwithstanding the comments of the agent, the proposed garage would not constitute exempt development due to existing outbuildings on the site and an agricultural development within the vicinity is not relevant as it would have been assessed under different planning policies. As a whole, the redeveloped scheme comprising of a dwelling and garage is not of broadly the same floor space and volume as the approved subdivision scheme. The proposal does not accord with part (ii) of Policy OC1.

The existing single storey wing does not make a particular positive contribution to the character of the area. Information has been submitted regarding the sustainable design of the development which indicates that the proposed dwelling will be a factory built timber framed/insulated panel dwelling which will have a highly airtight building envelope with insulation/thermal performance levels for the walls, windows and roof all exceeding current Building Regulations, solar panels are to be installed to the west elevation and the design and positioning of fenestration allows for much greater solar gain and natural light. A Waste Management Plan has been submitted. The details submitted are sufficient to demonstrate that the replacement dwelling can be constructed in such a way as to significantly enhance its sustainable design.

The replacement dwelling would be located within the domestic curtilage of the existing dwelling, with this area of land being recognised as domestic land following the issuing of a Certificate of Lawful Use in April 2024 (PAP/012/2023). Whilst the land is recognised as domestic, it forms part of a wider area of open land extending to the east and it provides a break in the ribbon development of properties along Route des Paysans. By virtue of the low bank and hedging bordering the application site to the west, the land is visually prominent from the public highway to the west, with views extending across the site and across the adjoining undeveloped/agricultural land to the east. The proposal would result in a significant incursion beyond the extent of the existing built development on the site, it would not be well related to the existing built development and it would detract from and have an increased impact on the character and openness of the area. The proposal is contrary to Policies OC1 and GP1.

The replacement dwelling is positioned a sufficient distance from the boundary of neighbouring properties and the proposal would have no significant adverse effects on the amenities of neighbouring residents.

The internal floor space of the replacement dwelling would substantially exceed the Guernsey Technical Standards minimum internal space standards and it would exceed the best practice minimum internal space standards which are published on the Authority's website for a 2 person dwelling. The proposed dwelling is dual aspect and would have adequate daylight, sunlight and privacy. The proposed dwelling includes a large garden and it would enjoy an attractive outlook. Overall, the proposal would provide a satisfactory living environment, in accordance with Policy GP8.

There would be adequate car parking for the proposed dwelling and existing uses on the site and secure covered bicycle parking could be provided within the garage or elsewhere within the associated curtilage of the proposed dwelling if required by future occupiers.

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 considered in the assessment of this application.

In summary, the redeveloped scheme is not of broadly the same floor space and volume as the approved subdivision scheme and due to its impact on the character and openness of the area, it is recommended that the application is refused.

**Date:** 08/10/2024