

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 outbuilding to dwelling with associated works.

LOCATION: Copacabana, Les Beaucamps, Castel.

APPLICANT: Mr & Mrs J Blampied

I refer to the application referred to below received as valid on 06/06/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/11/2025

Drawing Nos: Arctech - JB-24-1180-02A

Application Ref: FULL/2025/0931

Property Ref: D009960000

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 property was purchased in the knowledge that the building was a domestic outbuilding and could therefore only be used for purposes incidental to the existing dwelling. The information provided about the quantity and type of other available storage is limited and lacks precision, the building could be used for a variety of ancillary domestic uses and for a site of this size, it is not uncommon for there to be multiple domestic outbuildings. The building remains capable of being used for ancillary domestic purposes and 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/2025/0931
Property Ref: D009960000
Valid date: 06/06/2025
Location: Copacabana Les Beaucamps Castel Guernsey GY5 7PE
Proposal: Convert outbuilding to dwelling with associated works.
Applicant: Mr & Mrs J Blampied

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 property was purchased in the knowledge that the building was a domestic outbuilding and could therefore only be used for purposes incidental to the existing dwelling. The information provided about the quantity and type of other available storage is limited and lacks precision, the building could be used for a variety of ancillary domestic uses and for a site of this size, it is not uncommon for there to be multiple domestic outbuildings. The building remains capable of being used for ancillary domestic purposes and 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:

Copacabana comprises of a detached 1½ storey property located to the west of Les Beaucamps. A detached garage, various glasshouses and other buildings are situated on the 'L' shaped site which extends north to Rue Des Deslisles. The site is located Outside of the Centres.

Relevant History:

06/12/2018 – FULL/2018/2637 – Permission granted for the change of use of agricultural land to domestic garden and install ramp (retrospective).

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to convert an outbuilding to a 3 bedroom dwelling.

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 GP16(A): Conversion of Redundant Buildings

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One representation was received which highlights that native hedges will be planted but raises concerns that non-native species are often confused with native species, and recommends that details should be requested.

Consultations:

The Office of Environmental Health and Pollution Regulation, 19/06/2025

"I have reviewed the proposed plans for Copacabana which were received by email on 16th June 2025 and there are a number of issues of concern that I must raise. The site has played host to heated greenhouses and as such I would have concerns for contamination from hydrocarbons. I would also have concerns from the horticultural/agricultural industry itself from pesticide contamination. I would also have concerns for contamination from metals, specifically but not limited to lead. Although I understand the development will be within and will therefore occupy the same footprint as the packing shed, there will be significant breaking of ground for the associated works such as installing domestic amenities. There will also breaking of ground during the installing of the driveway. As such, I would have concerns for contamination pathways being created during the development to both construction workers and end users. With the above points in mind, I recommend that the Planning Authority apply a full contaminated land condition to any permission granted.

Potential Land Contamination:

Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination

Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition"

Informatives/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Discovery Strategy

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

I would be grateful if these issues are considered during the determination of this application”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of residential conversion.
2. Whether the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.
3. The impact on the amenities of neighbouring residents.
4. The impact of the development on the character and openness of the landscape.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

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).**

Policy OC1 provides scope for the conversion of existing redundant buildings to dwellings Outside of the Centres provided that specific criteria as set out in Policy GP16(A) are met.

The agent advises that the outbuilding was a workshop/packing area associated with the former horticultural use of the site and was then recognised as storage when the whole site was previously recognised as domestic curtilage. The agent states that the main dwelling has ample storage and garages and that this outbuilding is empty and no longer required given the amount of storage the main house enjoys. In addition, the applicant notes that the 2 vehicle garage to the west of the dwelling provides sufficient garage and internal storage space and the outbuilding in question has never been permanently used or needed since they moved to the property in June 2023. The applicant advises that the use of the outbuilding in question as a games room (sofas, table tennis table,

table football and air hockey table seen in the structural report photographs) was a very temporary use during late 2024 and the equipment has since been removed and the outbuilding is empty. The applicant advises that they do not need or use the outbuilding and that one of the main reasons for purchasing the property was in the hope of converting the outbuilding to a dwelling.

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 in question is no longer required, the property was purchased by the applicant in June 2023 in the knowledge that the building was a domestic outbuilding and could therefore only be used for purposes incidental to the existing dwelling. Although reference is made to the 2 vehicle garage to the west of the dwelling providing sufficient garage and internal storage space, the information provided about the quantity and type of other available storage is limited and lacks precision. In addition, the building could be used for a variety of domestic uses other than storage, such as a games room, a garden room or as an associated living unit and for a site of this size, it is not uncommon for there to be multiple domestic outbuildings being used for various ancillary domestic purposes. It is also noted that the building was in use in November 2024 (during the structural survey) and in August 2025 (during the site visit as part of the assessment of this application). Whilst it is advised that the current occupiers do not presently require the building for storage purposes, this does not mean that the dwelling and site as a whole no longer requires the building. The building remains capable of being used for ancillary domestic purposes and 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).

Following the approach taken by the Planning Tribunal in relation to an appeal under Policy GP16(A) (Rue Coutance Ref: PAP/008/2019), whether the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding 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. The application is supported by a structural report based on a non-intrusive visual inspection. The structural report states that the building is a timber structure with corrugated felt roof sheets and opaque light panels, and

external walls are clad in uPVC panels with timber framed windows. The structural report concludes that due to extensive external and internal cladding it has not been possible to investigate the building structure however indications suggest it is in good condition; there are indications of deformation along the ridge line, likely due to the weight of the internal cladding; and that the concrete floor appears in good condition and raises no cause for concern for the proposed conversion.

During the course of consideration, further information was requested to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding. In response additional information was submitted which states that this is a solid building with substantial foundations and fully clad in weatherproof cladding. Internally the entire structure is panelled so clearly the structure can take the load and there is no evidence of major structural irregularity. The observed deflection to the ridgeline is attributed to the panelling to the underside of one section of rafters, the proposal would remove this load and the roof structure would be returned to its original form with minor repairs but nothing structural. The additional information concludes that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

Building Control have confirmed that the existing building could be converted into a dwelling and together with the relatively minor extent of works proposed, including alterations to fenestration and no extensions, the information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The existing building is not protected and the distance to and its relationship with neighbouring protected buildings would not result in any significant adverse effects on the setting of protected buildings within the vicinity of the site.

The existing building is not of either architectural or historic interest and is not considered to be a building of character that makes a positive contribution to the character and appearance of the area.

The proposed dwelling is positioned to the rear of the existing dwelling, it is reasonably well related to existing buildings on the site and it does not unduly project into the more open and undeveloped western section of the site. The entire site is recognised as forming the domestic curtilage of the existing dwelling and the proposed use of the building as a separate dwelling is likely to have a negligible impact on the existing landscape character of the site.

Due to the distance to neighbouring residential properties, the proposal is unlikely to have any adverse effects on the amenities of the neighbouring residents. The proposed parking provision and bicycle storage is adequate.

The proposed dwelling would exceed minimum internal space standards as set out under the Building Regulations and it would meet the best practice minimum internal space standards. The dwelling has the potential to receive adequate daylight and

sunlight and would benefit from a good quality provision of outdoor space. As a whole the proposed dwelling is likely to provide a satisfactory living environment.

With regards to the comments in the representation requesting details of the species of the proposed hedge, the entire site is recognised as forming the domestic curtilage of the existing dwelling. Consequently the application does not involve the change of use of agricultural land to domestic land and there is no planning policy requirement for the proposal to provide biodiversity enhancements.

The issues raised by the Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land could be dealt with by conditions should planning permission be granted for a change of use of the building to a separate dwelling.

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.

Due to the fundamental conflict with part (a) of Policy GP16(A) it is recommended that the application is refused.

Date: 10/11/2025