

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 garage to a dwelling.

LOCATION: Garage Situated at, Les Varendes, St Andrew.

APPLICANT: Mr K Le Patourel

I refer to the application referred to below received as valid on 20/06/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/10/2025

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6292/B/1

Application Ref: FULL/2025/1004

Property Ref: K00020A000

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 owners in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The garage has recently been constructed, it is nearing completion and once complete it 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/2025/1004
Property Ref: K00020A000
Valid date: 20/06/2025
Location: Garage Situated at Les Varendes St Andrew Guernsey
Proposal: Convert garage to a dwelling.
Applicant: Mr K Le Patourel

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 owners in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The garage has recently been constructed, it is nearing completion and once complete it 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 site comprises of a detached double garage which is currently under construction. The site forms part of a ribbon development of mainly residential properties to the north of Rue des Varendes and is bounded to the north by Les Varendes High School. The site is located Outside of the Centres.

Relevant History:

26/08/2022 – FULL/2022/1353 – Application refused to convert and alter outbuilding/garage to create a dwelling.

10/02/2020 – FULL/2019/1400 – Application refused to erect a garage (revised).

12/02/2018 – FULL/2017/0451 – Permission granted to erect a double garage.

27/01/2010 – FULL/2009/3886 – Permission granted to demolish existing garage/store and outbuilding and replace with double garage.

Existing Use(s):

Garage for the storage or parking of motor vehicles

Brief Description of Development:

Planning permission is requested to convert the garage to a 1 bedroom dwelling.

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

Policy OC1: Housing Outside of the Centres

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

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:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of residential conversion.
2. The impact on the amenities of neighbouring residents.
3. The impact on the character and amenity of the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling.
5. Road safety and traffic management.

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 principle of residential conversion

Planning permission was granted to erect a double garage in February 2018 (FULL/2017/0451) for the storage or parking of motor vehicles. This was the same as a previous permission in January 2010 to erect a replacement double garage (FULL/2009/3886). An application was subsequently refused in August 2022 to convert the garage to a dwelling (FULL/2022/1353). The application was refused on account that the existing building was not complete and the proposal represented the erection of a new dwelling which is precluded Outside of the Centres under Policy OC1.

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 agent advises that the building is wind and water tight and has been vacant since it was constructed. The agent advises that their client purchased the site to store vehicles associated with kart racing but they have since received permission to extend the domestic curtilage on their property which included an outbuilding, and as a result this building is redundant and is not needed for the use as originally intended.

Works commenced on the above ground structure of the garage since 2019. The building is nearing completion, with external finishes still to be applied and windows and doors to be fitted. Given the recent and robust construction of the building, once the building has been completed it would clearly be 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 owners. 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 was approved to be used only for the storage or parking of motor vehicles. Although the agent advises that the personal circumstances of their client has changed and they no longer have a need to store vehicles in the building, this does not mean that the building is no longer required more generally. No information has been provided about whether any measures have been undertaken to use or market the building for its authorised use for the storage or parking of motor vehicles. In addition, although the building may be wind and water tight, the building has not been completed and it does not appear to have ever been used for its approved purpose.

The garage has recently been constructed, it is nearing completion and once complete it is clearly capable of being used for its approved purpose for the storage or parking of motor vehicles. 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).

The impact on the amenities of neighbouring residents

The west elevation door faces towards and approximately aligns with a window on the neighbouring property. To minimise potential intervisibility issues it is recommended that any glazing in the door is obscure glazed, however, as the application does not otherwise accord with policy this has not been explored further at this stage.

The impact on the character and amenity of the area

In principle the use of the building and site for residential use is unlikely to have any adverse effects on the character and amenity of the area. As the building is not completed, details of external finishes would be required, however, as the application does not otherwise accord with policy this has not been explored further at this stage.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwelling marginally exceeds the Guernsey Technical Standards minimum internal space standards for a one person dwelling but would not meet the best practice minimum internal space standards for a one person dwelling (proposed 35sqm, best practice guidance 37sqm). The dwelling would be dual aspect including glazing in the south elevation. Whilst the dwelling as a whole is likely to receive adequate daylight and sunlight, the living area would receive limited sunlight. Provided that the west elevation door is obscure glazed, the dwelling has the potential to have adequate privacy. The size of the outdoor space would be generous for a dwelling of this size and the potential quality of the outdoor space would be good.

As a whole, although there are some deficiencies, particularly regarding its internal size, the proposed dwelling could achieve a low but satisfactory quality residential environment for future occupiers, in accordance with Policy GP8.

Road safety and traffic management

Car and bicycle parking provision is adequate for a dwelling of this size in this location. The highway is classified as a Traffic Priority Route and there are concerns about the substandard sightlines of the access and the potential intensification of use of the access resulting from the proposed change of use. To address these concerns it is recommended that the roadside walls are reduced in height, however, as the application does not otherwise accord with policy this has not been explored further at this stage.

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: 30/09/2025