

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, extend and alter buildings to create dwelling and associated works.

LOCATION: Floreat House, Les Petites Capelles Road, St. Sampson.

APPLICANT: Mr & Mrs R Sermon

I refer to the application referred to below received as valid on 30/06/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/11/2025

Drawing Nos: Arctech - MS-24-1159-02 & Plan B Structural Report

Application Ref: FULL/2025/1013

Property Ref: B014790000

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 existing buildings/structures fall within the recognised domestic curtilage following planning permission (FULL/2017/1042) which was approved in 2017 to extend domestic curtilage (part retrospective) and was implemented. For the purposes of Policy GP16(A), the current and last known purpose of both structures is as ancillary domestic outbuildings, associated with Floreat House. There remains a need for ancillary domestic storage, a function that the existing buildings could usefully serve, and therefore the proposal fails to meet criterion (a) of Policy GP16(A) (Conversion of Redundant Buildings).

2. The buildings/structures that are the subject of this planning application are not considered to be capable of conversion without substantial alteration or rebuilding, and due to the extent of alterations proposed, the development is tantamount to the erection of a new dwelling Outside of the Centres where such development is precluded. The scheme would not accord with criterion (c) of Policy GP16(A) or Policy OC1 of the Island Development Plan.

3. The proposal involves the amalgamation of two separate buildings to achieve minimum accommodation sizes for a dwelling-house (prescribed under the Building Regulations), and involves extensive alteration and rebuilding, contrary to Policy GP16(A) criterion (c). The proposed extensions to amalgamate the two separate structures would form a significant part of the proposed new unit and could not be considered modest in this context. Consequently, the proposal also fails to comply with criterion (g) of Policy GP16(A). The proposal would be tantamount to the erection of a new dwelling Outside of the Centres, which is precluded by Policy OC1 of the Island Development Plan.

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/2025/1013
Property Ref: B014790000
Valid date: 30/06/2025
Location: Floreat House Les Petites Capelles Road St. Sampson Guernsey
GY2 4GR
Proposal: Convert, extend and alter buildings to create dwelling and
associated works.
Applicant: Mr & Mrs R Sermon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The existing buildings/structures fall within the recognised domestic curtilage following planning permission (FULL/2017/1042) which was approved in 2017 to extend domestic curtilage (part retrospective) and was implemented. For the purposes of Policy GP16(A), the current and last known purpose of both structures is as ancillary domestic outbuildings, associated with Floreat House. There remains a need for ancillary domestic storage, a function that the existing buildings could usefully serve, and therefore the proposal fails to meet criterion (a) of Policy GP16(A) (Conversion of Redundant Buildings).
 2. The buildings/structures that are the subject of this planning application are not considered to be capable of conversion without substantial alteration or rebuilding, and due to the extent of alterations proposed, the development is tantamount to the erection of a new dwelling Outside of the Centres where such development is precluded. The scheme would not accord with criterion (c) of Policy GP16(A) or Policy OC1 of the Island Development Plan.
 3. The proposal involves the amalgamation of two separate buildings to achieve minimum accommodation sizes for a dwelling-house (prescribed under the Building Regulations), and involves extensive alteration and rebuilding, contrary to Policy GP16(A) criterion (c). The proposed extensions to amalgamate the two separate structures would form a significant part of the proposed new unit and could not be considered modest in this context. Consequently, the proposal also fails to comply with criterion (g) of Policy GP16(A). The proposal would be tantamount to the erection of a new dwelling Outside of the Centres, which is precluded by Policy OC1 of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling-house located to the north of Les Petites Capelles Road. The property is served by a garden to the front and parking to the rear, accessed by a private track that runs along the east boundary of the site and northwards towards Capelles Quarry Reservoir.

The land to the rear (north) of the house was granted planning permission in 2017 for a change of use from agricultural land to domestic curtilage. The application was in part retrospective and the permission has been implemented.

Two small structures lie to the rear (north) of the house, west of the track. The former boiler house and shed as shown on drawing MS-24-1159-01 were once part of the former horticultural use of the site and are now located within the domestic curtilage.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Reference No	Description	Decision	Date
FULL/2017/1042	Extend domestic curtilage (part retrospective).	Approved	2017

Existing Use(s):

Residential use class 1

Brief Description of Development:

Planning permission is sought to convert the existing two structures (boiler house and store) to form a new dwelling, together with associated car parking and amenity area.

The proposal involves demolishing elements of both structures in order to extend and alter the buildings to connect both structures together, to create a dwelling-house.

It is noted on drawing MS-24-1159-01 that the internal floor area of the boiler room and shed equates to 18m², and 12.1m² respectively, with a combined floor area of 30.1m².

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

Island Development Plan Policies:

OC1: Housing Outside of the Centres;
GP1: Landscape Character and Open Land;
GP8: Design;
GP9: Sustainable development;
GP15: Creation and Extension of Curtilage;
GP16(a): Conversion of Redundant Buildings;

IP9: Highway Safety, Accessibility and Capacity;

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans to convert, extend and alter a building to create a dwelling at the above site. There is an issue of concern regarding potential land contamination that I must raise.

I have interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show that there were once heated glasshouses at the site. I therefore have concerns that there could be contamination of metals, hydrocarbons and pesticides at the site. Other sources of contamination could also be present. I would therefore recommend that the following condition is attached to any consent granted for this application:

- ***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”

Informative/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>.

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

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of conversion is acceptable;
2. The impact of the development on the character and appearance of the surrounding area;
3. The impact of the development on the amenity of people living in the area
4. Parking and access issues,

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 set out in 2 below.

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

Planning permission is sought to convert, alter, and extend the existing domestic ancillary structures (former boiler house and shed/store) to form a new dwelling with associated car parking and amenity area.

The site is situated Outside of the Centres as designated in the Island Development Plan. In such locations, Policy OC1 supports proposals for the creation of new dwellings only where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building. The Policy states that proposals for the conversion of redundant buildings to dwellings will be considered under Policy GP16(A): Conversion of redundant buildings.

Policy GP16(A) supports the conversion of existing redundant buildings where it is satisfactorily demonstrated as part of a planning application that the building is not required or capable of being used for its current or last known purpose. For a scheme to be supported the conversion should provide one of the following uses: Residential, social and community, industrial, storage and distribution, visitor accommodation, office use, facilities for outdoor formal recreation/informal leisure. An application must be accompanied by information to demonstrate that the building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding. The Authority must also be satisfied that the proposed use would not have an adverse impact on the character and appearance of the area and the amenities enjoyed by surrounding residents. The proposal must also comply with all other relevant policies of the IDP and relevant material planning considerations.

A number of criteria must be addressed in order to satisfy the aims of Policy GP16(A) of the Island Development Plan. For the purpose of this report, the proposal will be assessed against each criterion in turn.

- a) it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose*

Whilst the boiler house and store would have originally been associated with the former horticultural use of the land, the change of use of the land to domestic garden, in 2017

under application ref: FULL/2017/1042 has superseded its former use. The permission has been implemented and as such, the buildings and associated land surrounding the structures are in domestic use, incidental to the enjoyment of the dwelling.

For the purposes of Policy GP16(A), the current and last known purpose of both structures is as ancillary domestic outbuildings, associated with Floreat House. There remains a need for ancillary domestic storage, a function that the existing buildings could usefully serve, and therefore the proposal fails to meet criterion (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 recreation or informal leisure and recreation uses.

The residential use proposed falls within the range of uses provided for under criterion (b) of Policy GP16(A).

c) the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding:

The preceding text to Policy GP16(A) states:

19.17.3 'Conversion' is defined for the purposes of this policy as: 'development that involves works to an existing building that would facilitate an alternative use (e.g. conversion of a barn to a dwelling).' However, proposals that would require significant works to the fabric of the structure, such as rebuilding of external walls, may be regarded as being 'new-build' rather than conversion.' ...

19.17.7. Proposals must demonstrate that the existing building is capable of conversion without extensive rebuilding. Where alteration or rebuilding of some structural elements is proposed, the acceptability of the extent of works will be assessed in relation to the overall scale of the conversion as well as any impacts or environmental benefits that would result, such as improved design and appearance or increased sustainability through, for example, increased thermal efficiency. Conversions that would involve major re-building works may, depending on the scale and nature of works proposed, be considered to be 'new-build' and assessed against the relevant policies of the Island Development Plan.

The application has been accompanied by a Structural Report prepared by Plan B (dated 13/10/23). The report provides little detail with regard to the buildings although clarifies that it is a non-intrusive structural report and is limited to a visual inspection only.

It states that the boiler house is of rendered blockwork, with timber windows and door, corrugated asbestos roof, with no obvious signs of movement, apart from a localised area where there is cracking to blocks near a rectangular opening (south elevation),

adjacent to the flue/chimney stack. The photographs indicate that the boiler house is currently used as a workshop/domestic store.

No details of the condition of the floor are provided as it is boarded up, although given that the floor boards appear to be set below ground level, it would not be uncommon for the floor and base of the walls to suffer from damp ingress due to the single block construction and age of the building.

What is apparent is that the usable floor space of the structure is limited given that the eaves height above ground level are approximately 1.3m high (measured externally), resulting in a useable floor area less than 18sqm.

A similar, rudimentary visual assessment has been made in respect of the existing garage, with all 4 external walls and roof comprising corrugated asbestos cladding. The interior of the structure is 'very minimal', with basic timber support braces to both the roof and sides. Again, the interior of the garage demonstrates its use as a domestic store, due to the extent of domestic paraphernalia inside. It is also not clear from the photographs provided, whether the large damp area in the floor slab is indicative of a structural defect or not, despite the report noting that there are no signs of cracking to the concrete garage floor.

The structural report is limited in terms of its assessment, lacks any thorough detail and analysis and makes assumptions regarding key facts (such as the condition of the floor, suitability and condition of the timber joists and purlins) without a detailed assessment. It is also unclear whether the boiler house has a foundation given that 'no indication of foundation' was observed at 1.2m deep, although the report states that 'the building is suitably founded' due to no signs of cracking to the walls, other than on the south elevation.

The report fails to satisfactorily demonstrate that either building/structure is of sound and substantial construction due to the rudimentary visual assessment, nor capable of conversion to residential use without significant alteration or rebuilding. For example, the store would need new walls and roof when taking into account the basic timber bracing observed in the report, and due to the limited useable height, the roof form of the boiler house would need to be substantially altered too, amongst other works. Despite the structural report submitted, it is not considered that either structure is of sound and of substantial construction and the proposal conflicts with this part of Policy GP16(A) (c) .

Moreover, the proposal seeks to extend the footprint of the two small structures and to amalgamate their combined footprint to achieve minimum accommodation sizes for a dwelling as prescribed under the Building Regulations (2012).

However, neither building/structure is large enough to convert to a dwelling-house on its own as both structures are less than 30sqm. By virtue of connecting the two separate structures together, coupled with the limited head-height of the former boiler house, and the extensive adaptations to the roof and walls of both structures, the

proposal would amount to substantial alterations or rebuilding for the purposes of criterion (c) of Policy GP16(A).

Consequently, the proposal would be tantamount to the erection of a new dwelling Outside of the Centres, which is precluded by Policy OC1 of the IDP.

The proposal fails to meet criterion (c) of Policy GP16(A).

d) the proposals 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 in the vicinity of the application site and criterion (d) of Policy GP16(A) is not relevant in this case.

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 buildings are situated to the north of Les Petites Capelles Road and behind ribbon development. Neither building is of architectural or historic interest. The buildings do not make any positive contribution to the character and appearance of the area. Policy GP16(A) criterion (e) would therefore not be relevant in this case.

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.

Policy GP1: Landscape Character and Open Land, also requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

As part of planning permission FULL/2017/1042, all of the land surrounding the buildings in question is already recognised as domestic curtilage. Consequently, the approved domestic curtilage has been divided up in order to provide sufficient external amenity space for the proposed dwelling as part of this application, as well as retaining sufficient curtilage for the main house (Floreat House). The proposal would not therefore result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

g) the conversion would not require more than modest extension to the existing building for it to be achieved:

Paragraph 19.17.8 of Policy GP16(A) states that:

“Proposals to convert an existing building may be accompanied by a modest extension provided that the extension is not of such scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy. Once it has been established that the conversion is acceptable in principle, ancillary structures relating to

the new use will be assessed against the relevant policies of the Island Development Plan for that use.”

As set out above, the proposal involves the amalgamation of two separate buildings to achieve minimum accommodation sizes for a dwelling-house (prescribed under the Building Regulations), and involves extensive alteration and rebuilding, contrary to GP16(A) criterion (c). The proposed extensions to amalgamate the two separate structures would form a significant part of the proposed new unit and could not be considered modest in this context.

Consequently, the proposal fails to comply with criterion (g) of Policy GP16(A). As noted above, the proposal would be tantamount to the erection of a new dwelling Outside of the Centres, which is precluded by Policy OC1 of the IDP.

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

Policy GP8: Design also addresses issues relating to the amenities of surrounding residents and the character and appearance of the locality. The building is surrounded by residential properties to the east, south and west, with Capelles Building Supplies located to the west of the dwelling. Due to the single storey nature of the proposed dwelling, coupled with the existing use of the land used as garden (FULL/2017/1042), and existing landscaping and proposed landscaping along the east boundary of the proposed curtilage, the proposal is not considered to have a detrimental effect on the amenities of neighbouring residents.

Conclusion:

The structures are regarded as ancillary domestic structures as they lie within the recognised domestic curtilage of the dwelling as approved under application FULL/2017/1042, and are not reasonably capable of being converted to a dwelling due to the limited size of either structure, together with the extensive alterations required to convert both structures into a dwelling.

Policy OC1 of the Island Development Plan specifies that proposals for the creation of new dwellings will only be supported where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building. As outlined above, the scheme does not satisfy the requirements of Policy GP16(A) of the IDP regarding the conversion of an existing redundant building. The application is therefore tantamount to the construction of a new dwelling Outside of the Centres and is not supported by Policy OC1 of the IDP.

On that basis the application is contrary to the provisions of criteria (a), (c) and (g) of Policy GP16(A) and OC1. It is therefore recommended that the application be refused.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 11/11/2025

