

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 existing building, erect dwelling and bike store and associated works, change of use of agricultural land to domestic garden (revised scheme).

LOCATION: Wyland, Les Rouvets Road, Vale.

APPLICANT: Mr J Herve

I refer to the application referred to below received as valid on 04/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/08/2025

Drawing Nos: Arch Plus Ltd: 230-3-301, 302, 303, 304, 306

Application Ref: FULL/2025/1021

Property Ref: C02039A000

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. By virtue of the volume of the replacement dwelling proposed the scheme would not represent a development that is of broadly the same volume as the approved conversion scheme and is therefore contrary to Policy GP16(B) b. 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/2025/1021
Property Ref: C02039A000
Valid date: 04/07/2025
Location: Wyland Les Rouvets Road Vale Guernsey GY6 8NH
Proposal: Demolish existing building, erect dwelling and bike store and associated works, change of use of agricultural land to domestic garden (revised scheme).
Applicant: Mr J Herve

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. By virtue of the volume of the replacement dwelling proposed the scheme would not represent a development that is of broadly the same volume as the approved conversion scheme and is therefore contrary to Policy GP16(B) b. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Wyland (formerly Martina Lodge) is a detached pitched roof dwelling situated to the rear of frontage residential development in Les Rouvets Road. Land to the north and east of the dwelling falls within the same ownership as Martina Lodge and is currently open and undeveloped land.

The site is located Outside of the Centres as designed in the Island Development Plan. An Area of Biodiversity Importance is situated to the east and a number of Protected Buildings are situated to the northwest and southwest. Part of the proposed entrance driveway falls within a Conservation Area. Two outbuildings exist on the site, adjacent to the east boundary. One to the southwest and the other to the northwest of the dwelling.

Relevant History:

FULL/2019/1988 - Conversion of outbuilding to create a dwelling – Granted 26/11/2020.

FULL/2022/0784 - Demolish existing outbuilding and erect dwelling with associated landscaping and parking – refused

1. Not of broadly the same floorspace as the approved conversion scheme

2. The scheme did not demonstrate that the new building would be constructed so as to significantly enhance sustainable design
3. Biodiversity proposals did not demonstrate meaningful environmental benefits

FULL/2022/1844 - Demolish existing outbuilding and erect dwelling with associated landscaping and parking (revised scheme) – granted (expires 01/11/2025) (two bedroom dwelling (three including the study)

Existing Use(s):

Residential Dwelling (Use Class 1)

Agricultural (Use Class 28)

Brief Description of Development:

The application relates to the demolition of the existing outbuilding, which has an expired permission for its conversion to a dwelling and to construct a single-storey dwelling (revised scheme to the 2022 approval which currently remains extant). The dwelling comprises two double bedrooms, a family bathroom, a separate WC and an open plan kitchen, living area along with an attached porch. A wall/timber screened boundary is also proposed to the south of the dwelling, adjacent to the west facing terrace.

The building has been designed with a render, stone and timber clad exterior and a standing seam aluminium roof. Solar panels are shown to be provided to the southern roofslope. A detached cycle store is indicated to be provided. The building has a pitched roof, with the exception of the porch and is indicated to be positioned further east and north on the plot although still largely within the footprint of the approved redevelopment scheme.

Parking and turning is proposed to the southwest of the dwelling with reference on the plans to permeable block paving. The hardstanding to the north of the bike store is not clearly specified. Tree and hedge planting is also proposed and noted on the plans as being in accordance with the 2022 approval.

The application has been accompanied by supporting information to address how the scheme deals with sustainable design and construction. This proposes, solar panels on the south facing roofslope incorporating a battery backup, a slow release heat store through the stone faced porch, orientation of the main windows and doors to the west elevation to maximise afternoon/evening sun rather than north towards the garden area which could lose heat. Cladding proposed are sustainable and re-usable natural materials and consideration has been given to the matter of privacy to the existing dwelling on the site.

Reference is made to the retention of glasshouse walls and well to acknowledge the site history and shows on the drawings that previously agreed planting will form the biodiversity and Strategy for Nature proposals in this case.

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
GP16(B)	Conversion of Redundant Building: Demolition and Redevelopment
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Parking Standards and Traffic Impact Assessment SPG

Representations:

None.

Consultations:

States Archaeologist commented on a previous application:

By letter dated 6th June 2022 stated the following:

"I would be grateful if you could place an informative notice on this application to the effect that the developers are encouraged to contact the States' Archaeologist, should anything of archaeological interest be uncovered during the works. The site is near the medieval rabbit warren at La Garenne and Les Annevilles Manor, and thus there is some possibility of medieval remains in this area."

Office of Environmental Health and Pollution Regulation – Although this office was not part of the consultation process for the previously approved applications under reference FULL/2019/1988 and the subsequent revised scheme under FULL/2022/1844, having reviewed the proposals under this application I have concerns regarding the potential for contaminated land.

Historic maps of the area indicate that heated glasshouses were once present at the site, including a tank located in the area now proposed for the new dwelling. I therefore have concerns that the area could be contaminated with metals, hydrocarbons, and pesticides. Other sources of contamination could also be present.

Given that ground is to be broken at the site and the application also states that fruit trees are to be part of the planting scheme, I would ask that the applicant is made aware of the risk and I recommend that the multiple sub-section contaminated land condition is imposed with the associated informative note.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its design, appearance and potential impact on the character and appearance of the locality and on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Redevelopment of a redundant building

Policy GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment allows for the demolition and redevelopment of a building that is able to satisfy the requirements of the conversion of redundant buildings policy (GP16(A)) without the need to implement the permission for conversion by physically carrying out the development. The policy requires that the conversion scheme has first been granted planning permission, that the floor space and volume of the new building is broadly the same as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded. In such cases, all other criteria of Policy GP16(B) and all other relevant policies of the Island Development Plan will also need to be satisfied.

Planning permission has previously been granted for the conversion of a redundant building on the site at Wyland. Policies OC1, OC5(B) and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan. Although the conversion scheme has now expired there remains an extant permission for the redevelopment of the site and so criterion a. of Policy GP16(B) has been met. The approved scheme was for a single dwelling which remains the case here and so in this regard criterion b. is also met.

A key issue in this case relates to the proposed floorspace and volume of the development. Policy GP16(B) criterion b. specifies that the redevelopment scheme must be of broadly the same floorspace and volume as the approved conversion scheme. The table below highlights the floor space and volume of the building from the original conversion, approved development to the present proposal.

	Conversion	Approved redevelopment	Current proposed scheme	Percentage change (between conversion and current proposed scheme)

Floorspace (m²)	72.84	76.14	75.8	+ 4%
Volume (m³)	234.32	234.36	438.14	+ 87%

The above calculations exclude the proposed, detached cycle store.

As demonstrated above, the scheme substantially increases the volume of the building from that of the conversion scheme or the previously approved and far exceeds the 20% increase normally permitted in respect to broadly the same. As such, the application fails to comply with Policy GP16(B) b.

Other matters

Given the identified conflict with GP16(B), and the implications of the Court of Appeal decision in *The Island Development Committee v Portholme* [2002], which held that “... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed”, other matters that would ordinarily be relevant to the determination of this application have not been the subject of a full and detailed assessment. For completeness’ sake however, those matters that would be relevant are set out below.

Amenities

The building proposed represents a good standard of design that respects the local built and open landscape concerned. Although the building is single storey rather than multi-storey which is considered a more efficient and effective use of land, this matter was addressed as part of the previously approved scheme. The proposed single storey building is therefore accepted and given the nature of this, the accommodation could be used in a different way demonstrating accessible, flexible and adaptable accommodation that can respond to people’s needs over time.

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development.

The external space provided to serve the dwelling would be generous and offer an attractive outlook. Overall, the proposed dwelling would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space.

The scheme is therefore satisfactory in relation to GP16(B) c), e) and f) and also GP8 and GP9.

Curtilage

The conversion scheme considered under Policy GP16(A) included a similar extent of curtilage as is now proposed although the current scheme is slightly larger and pushes

further east. Whilst there is open land surrounding the site, the building itself would be located adjacent to the west site boundary, well related to the established dwellings fronting Rouvets Road. Furthermore, the site is well screened in public views and the proposal would not impact on openness in those views. The minor changes to the extent of curtilage proposed are satisfactory when considering the aims of Policies GP15 and GP1 and it is noted that a very low bank with hedge planting has already been undertaken to mark the boundaries between the existing and proposed dwelling.

The drawings note that all planting is to be as previously approved and the level of planting proposed is considered proportionate to the change of use of land proposed. Although not addressed as part of the previous permissions for the site, the issue of potential land contamination has been raised in connection with this application by the Office of Environmental Health and Pollution Regulation. If the scheme were acceptable in all other respects this could have been addressed through negotiation and/or by condition.

Parking and access

The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. The proposed dwelling, having regard to the conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads. The scheme therefore accords with the requirements of Policies IP7 and IP9 of the Island Development Plan.

The scheme also incorporates a cycle storage area to enable people to travel by alternative modes of transport (IP6). Although this is not shown to offer covered/secure storage this could be controlled by condition.

Sustainable Development

As detailed above, the application has been supported by information relating to sustainable development and in relation to Policy GP9, providing all elements were implemented, the scheme satisfactorily demonstrates significant enhancements to sustainable design in accordance with criteria d. and Policy GP9.

The scheme has not been accompanied by a Waste Management Plan as required by Policy OC1 which could be requested if the scheme were acceptable in all other respects.

Conclusions

The application fails to comply with the requirements of Policy GP16(B) b. as the volume of the proposed redevelopment scheme is not broadly the same as the approved conversion scheme.

Although the application could have been deferred to address minor changes/queries such as the Site Waste Management Plan and biodiversity landscaping proposals having

regard to potential land contamination and the Strategy for Nature SPG the matter of volume would have required a significant redesign to the scheme which would not be appropriate to address by way of a deferral.

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; however, having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320) these have been given limited further consideration in this case.

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: 21/08/2025

