

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 detached outbuilding to form dwelling and associated works.

LOCATION: Pres Du Havre, Le Houmet, Vale.

APPLICANT: Mr & Mrs Ashworth

I refer to the application referred to below received as valid on 30/07/2025 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: Evans Architecture - 2508/03.01, 03.02 & 03.03

Application Ref: FULL/2025/1218

Property Ref: C02599C000

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/occupiers in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The garage is still capable of accommodating small vehicles and there are no other sheds or outbuildings on the property that are proposed to be retained which would fulfil the storage requirements of a property of this size. The garage/outbuilding is located in close proximity to and is well-related to the existing dwelling and it could be used for a range of ancillary domestic purposes and the facilities provided by the garage/outbuilding remain useful to serve the dwelling and site as a whole. 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).

2. The existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards and is not capable of conversion to a dwelling without the

proposed extension. The proposed extension is necessary to form a dwelling and therefore the extension would form a significant part of the proposed dwelling, contrary to Policies GP16(A) and OC1, and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

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/2025/1218
Property Ref: C02599C000
Valid date: 30/07/2025
Location: Pres Du Havre Le Houmet Vale Guernsey GY6 8JH
Proposal: Convert, extend and alter detached outbuilding to form dwelling and associated works.
Applicant: Mr & Mrs Ashworth

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/occupiers in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. The garage is still capable of accommodating small vehicles and there are no other sheds or outbuildings on the property that are proposed to be retained which would fulfil the storage requirements of a property of this size. The garage/outbuilding is located in close proximity to and is well-related to the existing dwelling and it could be used for a range of ancillary domestic purposes and the facilities provided by the garage/outbuilding remain useful to serve the dwelling and site as a whole. 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).

2. The existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards and is not capable of conversion to a dwelling without the proposed extension. The proposed extension is necessary to form a dwelling and therefore the extension would form a significant part of the proposed dwelling, contrary to Policies GP16(A) and OC1, and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

OFFICER'S REPORT**Site Description:**

The site comprises of a detached hipped roof single storey dwelling with a detached pitched roof single garage/outbuilding. The site forms part of a ribbon development of residential properties to the east of Rue De Houmet and is situated Outside of the Centres.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to convert, extend and alter detached outbuilding to form a 1 bedroom dwelling.

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

S1 - Spatial Policy
S4 - Outside of the Centres
OC1 – Housing Outside of the Centres
GP8 – Design
GP9 – Sustainable Development
GP16(A) – Conversion of Redundant Buildings
IP6 – Transport Infrastructure and Support Facilities
IP9 – Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 01/09/2025

“I have reviewed the proposed plans to convert, extend and alter a detached outbuilding to a dwelling at the above site.

I have interrogated the States’ Digimap system and records, which show that glasshouses were historically located on the land parcel.

It is not known whether any contaminated land surveys have been carried out historically as part of any previous development at the site, which would assess any risks posed by historical glasshouse use. Without knowing this, there is the potential for land contamination to be present and I have concerns that there could be contamination of metals, hydrocarbons and pesticides from this historic use. Other sources of contamination could also be present.

I would advise that the applicant is made aware of this potential risk, and I recommend that the following condition is attached to any granted permission:

- If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the applicant 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”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the building is no longer required or capable of being used for its current or last known purpose.
3. Whether the existing building is capable of conversion to a residential use without extensive alteration or rebuilding.

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 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.

Policy OC1 sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A). 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.

The information submitted in support of the application states that modern vehicles would not fit in the garage due to the width and height of the garage and that the garage has not been used to park a vehicle in for at least 6 years. It is advised that the dwelling is a rental property and the demised premises does not include the garage

outbuilding, so it's not used by the tenants of the property and that the garage is in a vacant state and is not being used for storage or any other purpose. In addition, it is advised that the outbuilding is physically detached and visually separated from the main house, reducing its functional relationship as an ancillary building; and issues are highlighted with the condition of the building including uneven floors, a lack of insulation and a moisture problem resulting in damp conditions unsuitable for domestic storage.

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/occupiers or simply requiring the owner of the building to confirm that they no longer require it for the purpose for which it was intended. If the requirement for, usefulness of, or capability to continue to be used of a building (Island Development Plan paragraph 19.17.4) is not assessed objectively, then this could lead to a situation where a useful and useable building is converted to an alternative use only to be followed by a subsequent application to erect an additional building to reinstate the function it previously served. 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.

Whilst it is acknowledged that the size of the garage limits the range of vehicles that could fit within it, the garage is still capable of accommodating small vehicles including motorcycles, and the garage only forms part of the overall outbuilding, with a store to the rear. Although the garage/outbuilding may be presently empty through the personal choice of the current owner, this does not mean that the dwelling and site as a whole no longer require the garage/outbuilding and there is nothing to suggest that the garage/outbuilding would not be required or capable of being used for a range of ancillary domestic purposes. In this respect, it is noted that there are no other sheds or outbuildings on the property that are proposed to be retained which would fulfil the storage requirements of a property of this size. As a result, it is likely, should permission be granted to convert this garage/outbuilding to a separate dwelling, that additional sheds/outbuildings would be required to reinstate the potential functions that the garage/outbuilding currently provides. Notwithstanding the agent's comments, the garage/outbuilding is located in close proximity to and is well-related to the existing dwelling and is capable of being used for a variety of ancillary domestic uses. The comments regarding the condition of the building including uneven floors, the lack of insulation and the damp condition of the building making it unsuitable for domestic storage are not compelling and these issues could be remedied if desired, as is proposed as part of this application to convert the building to habitable accommodation. 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).

With regards to the conversion and re-use of existing buildings, the overarching policy direction is to enable reuse of existing buildings which would otherwise remain redundant, but are of a form which means they are unlikely to be demolished, for an appropriate use (i.e. one for which the existing built form and location are suited). Whilst modest extension can be allowed as part of a proposal, the direction is not to allow such extension to enable the use of a building where it would not otherwise be possible or for which it would not be suited, or capable. Following this direction, the policy states that the existing building must be capable of conversion without extensive alteration or rebuilding, and consequently that building must be of a size, without extension, to serve the intended use as it stands. This means that for residential purposes the existing building must be of a size and form that can provide an adequate living environment and at least meet the minimum space requirements for that use which will be assessed having regard to the Guernsey Technical Standards. Paragraph 16.1.6 of the Island Development Plan states:

The relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will be taken into account in determining whether a proposed unit offers an adequate standard of accommodation.

This means that the building, prior to any extension would need to be at least 30sqm measured internally. Although the submitted information indicates that the proposed dwelling would meet the Building Regulations for a dwellinghouse (one person occupancy based on Part G of the Guernsey Technical Standards), this is based on the proposed extended floor area and not the existing.

Attention is drawn to a recent appeal at Courtil des Couleurs (PAP-009-2024) where the decision to refuse permission to convert, extend and alter a former horticultural building to create a dwelling was allowed. This appeal decision refers to relevant floor space standards and that the Authority relies on the Building (Guernsey) Regulations, 2012 for the minimum sizes for dwellings and flats. The decision sets out that “proposals that meet these requirements and can also demonstrate a satisfactory layout and arrangement are deemed to provide a satisfactory minimum standard of living accommodation”.

The appeal decision also addresses the matter of modest extensions and the reason for refusal where the existing building by itself is not large enough to meet the minimum internal space standards for a single-person, one bedroom dwelling. However, the Tribunal refer to the provision of Policy GP16(A) to allow for modest extensions which, in their view, could enable conversions to be achieved. However, the Authority has applied the approach that the building must be capable of meeting the current Building Regulations without extension. In this case, the existing building, with a floor area of 25.5sqm would not meet the minimum requirements for the creation of a one-person dwelling and consequently the existing building is not capable of conversion to a dwelling. Whilst the overall floor area of the proposed extension is stated as measuring a 17.6% increase in floor area, due to the limited size of the existing building, in the context of this building the extension would form a significant part of the proposed

dwelling as the extension is required to meet the minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards.

Paragraph 16.1.7 of the preceding explanation to Policy OC1 states that “Schemes to subdivide dwellings or to convert redundant buildings may be accompanied by a modest extension provided that the extension is not of such scale or significance that it forms a significant part of a new unit, in effect creating a new build dwelling contrary to this policy. Therefore, the building will need to be capable of subdivision or conversion without the need for significant extension”. As the existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards and the proposed extension is necessary to form a dwelling, the extension does form a significant part of the proposed dwelling and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

Having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320), as the proposal fails to satisfy the policy requirements of Policy GP16(A), then the proposal must be refused as no policy gateway applies and no further consideration of the proposals is necessary.

As a result of this conclusion, no detailed assessment of the scheme has been made having regard to other planning policy considerations or in respect of other material planning considerations as identified in Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007.

It is recommended that the application is refused.

Date: 10/11/2025