

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 building to create dwelling and associated works. Change of use of agricultural land to domestic garden (500sqm) (Revised scheme).

LOCATION: Petite Lande, Rue Des Monts, Forest.

APPLICANT: Mr M Sullivan

I refer to the application referred to below received as valid on 31/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/11/2025

Drawing Nos: Arch+ - 151--301B, 302B, 303, 304 & 305 (date stamped 31.07.25)

Application Ref: FULL/2025/1229

Property Ref: H005330000

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 building falls within the recognised domestic curtilage of the property and is not considered to be redundant for the purposes of Policy GP16(A). 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 facilities provided by the building remain useful to serve the dwelling and the building is clearly capable of being used for this purpose (as a domestic garage/outbuilding). It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose and therefore the proposal is contrary to criterion 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/2025/1229
Property Ref: H005330000
Valid date: 31/07/2025
Location: Petite Lande Rue Des Monts Forest Guernsey GY8 0BB
Proposal: Convert, extend and alter building to create dwelling and associated works. Change of use of agricultural land to domestic garden (500sqm) (Revised scheme).
Applicant: Mr M Sullivan

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The existing building falls within the recognised domestic curtilage of the property and is not considered to be redundant for the purposes of Policy GP16(A). 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 facilities provided by the building remain useful to serve the dwelling and the building is clearly capable of being used for this purpose (as a domestic garage/outbuilding). It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose and therefore the proposal is contrary to criterion a) of Policy GP16(A).

OFFICER'S REPORT

Site Description:

The application site known as 'Petite Lande' consists of a detached dwelling-house which is located to the west of La Rue Des Monts. The property is served by two access points, both of which are located to the east of the site. The property is in an Agriculture Priority Area, borders a Conservation Area to the north and east, and is situated Outside of the Centres as defined on the Island Development Plan Proposals Map.

To the rear of the dwelling lies an outbuilding which appears to have been erected at the same time as the dwelling, as both structures are shown on the 1963 aerial photograph. In addition, 4 spans of glass were also located to the south and west of the dwelling (in 1963), with two additional spans of glass added to the south of the site by 1979. The glass was cleared from the site sometime between 1979 and 1990. It would appear that

a small domestic-size glasshouse was erected adjacent to the south-west corner of the existing outbuilding, sometime around 1979 and was subsequently removed by 2016 (based on orthophotographs).

Planning permission was granted in 1992 to erect a conservatory to the rear of the house (PAPP/1992/1744), which included the outbuilding within the domestic curtilage. It is noted in the officer's report that the conservatory included encroachment into the 'Developed Glass' zone, i.e. the application involved a change of use of land to the south of the house. This change of use spanned to the west boundary of the site. It would appear that the roof of the outbuilding was replaced sometime between 2006 and 2009 based on aerial photographs.

In 2017, a Property Search was carried out by the applicant. The recognised domestic curtilage was defined and had been taken from the approved plans in 1992. Consequently, the outbuilding has been within and associated with the domestic use of the site since 1992.

Relevant History:

Reference No	Description	Decision
FULL/2024/1901	Convert, extend and alter building to create dwelling and associated works. Change of use of agricultural land to domestic garden (500sqm).	Refused
PREA/2024/1252	Convert former packing shed into dwelling	Pre-application enquiry
PS/2017/00020	Property Search – curtilage defined	
PAPP/1997/0527	Change of use of dower unit to self-catering holiday unit	Granted
1982	Convert packing shed to residential unit	Refusal
1976	Convert packing shed to self-catering unit	Refusal

Existing Use(s):

Residential (dwelling-house and outbuilding) - Use Class 1
Agricultural (field) - Use Class 28

Brief Description of Development:

Planning permission is sought to convert, extend and alter an outbuilding to the rear of the property to create a 2-bedroom dwelling-house. Following the refusal of FULL/2024/1901, the agent has provided additional information and justification to seek to demonstrate that the outbuilding should be considered as a redundant packing shed for the purposes of criterion (a) of Policy GP16(A).

It is also noted that whilst a structural engineer's report has not been submitted as part of the application, a Chartered Structural Engineer has visited the site and can provide further details if requested over the suitability of retaining the entirety of the existing structure.

In addition, reference is made to recent examples of similar proposals for conversions which are argued to form a precedent, including applications FULL/2023/2208, FULL/2023/0441 and FULL/2024/0176, FULL/2024/1295.

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

Island Development Plan

S1 – Spatial Policy

S4 – Outside of the Centres

OC1 – Housing Outside of the Centres

OC5(A) - Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

GP16(A) – Conversion of Redundant Buildings

IP7 – Private and Communal Car Parking

Annex I – Amenities

Supplementary Planning Guidance

Parking Standards and Traffic Impact Assessments.

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

The Authority has received representation from one party objecting principally in relation to ecological issues.

Consultations:

None.

Summary of Issues:

- Whether the existing building is redundant for the purposes of Policy GP16(A).

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 IDP, expressed through Policy S1, is to concentrate the majority of new development in the Main Centres, make provision for limited development in Local Centres, and allow for development Outside of the Centres in specific circumstances in order to accord with the Strategic Land Use Plan.

Policy OC1 provides for new residential development Outside of the Centres only “where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.”

Planning permission was refused under application ref: FULL/2024/1901 to convert the outbuilding to the rear of the dwelling into a dwelling-house. The reason for refusal was that:

“The existing building falls within the recognised domestic curtilage of the property and is not considered to be redundant for the purposes of Policy GP16(A). 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 facilities provided by the building remain useful to serve the dwelling and the building is clearly capable of being used for this 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).”

Paragraph 19.17.4 of the IDP in respect of Policy GP16(A) states that, “For an existing building to be converted to another use, the building must no longer be useful or reasonably capable of being used for its current or last known purpose and the proposal must represent an appropriate use of the building.”

The outbuilding appears to have been built at the same time as the dwelling, as both structures are shown on the 1963 aerial photograph. There is a possibility that the outbuilding may have served a dual use, i.e. for both domestic and commercial horticultural purposes in the mid-to-late 20th century. Since 1992 the building has been located within the recognised domestic curtilage and has been used as an ancillary domestic outbuilding. The agent has however stated that it was last used as a packing shed in connection with the commercial glasshouses on the site.

A Property Search in 2017 was requested by the applicant. As part of that search the extent of the recognised domestic curtilage associated with the dwelling-house was provided to the applicant. The recognised domestic curtilage (and the outbuilding) reflected that approved in 1992 and was not disputed by the applicant.

Works to replace the roof covering occurred around 2006. The agent states that these works were carried out for “It’s retention, and the client’s wish for it not to fall into disrepair by replacing the roof covering around 2006, does not negate the fact that this structure was built for one purpose which is no longer the case”.

For the purposes of this application for conversion of the building, its use is therefore recognised as domestic. Associated land surrounding the structure is in domestic use, incidental to the enjoyment of the dwelling. This is substantiated by the extent of domestic paraphernalia visible inside and outside of the outbuilding which was observed on site as part of consideration of application FULL/2024/1901 (site visit date, 12/02/25)

and this current application FULL/2025/1229 (site visit date, 16/09/25), coupled with the photographs submitted by the agent which indicate the domestic use of the building.

Notwithstanding the visible evidence on site which is indicative of the use of the building for domestic storage, if the applicant now no longer has a need for a domestic outbuilding, this does not constitute redundancy for the purpose of GP16(A). Whether the building is no longer required for its current or last known purpose 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.

The facilities provided by the building remain useful to serve the dwelling and the building is clearly capable of being used for this purpose (as a domestic garage/outbuilding). It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose and therefore the proposal is contrary to criterion a) of Policy GP16(A).

Each case is assessed on its own individual merits, on a case-by-case basis, and the other applications cited by the agent are not considered to be material or to set a precedent for this proposal.

Given the identified conflict with criterion (a) of Policy GP16(A) of the IDP, the only lawful decision that can be reached is that planning permission be refused, and no other matter need to be considered such as the loss of agricultural land within the Agriculture Priority Area, design or biodiversity enhancement, amongst other considerations.

It is therefore recommended that the application be refused.

Date: 11/11/2025