

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 outbuilding to create a dwelling, change of use of agricultural land to domestic garden (200sqm) and associated works.

LOCATION: The Farm, Rue Des Annevilles, Vale.

APPLICANT: Mr & Mrs D Le Marquand

I refer to the application referred to below received as valid on 19/08/2025 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: ArcTECH Freelance Architecture - DLM-25-2243-02A

Application Ref: FULL/2025/1290

Property Ref: C020300000

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. 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 the proposal does not meet the requirements of Policy GP16(A)a) (Conversion of Redundant Buildings).

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/2025/1290
Property Ref: C020300000
Valid date: 19/08/2025
Location: The Farm Rue Des Annevilles Vale Guernsey GY6 8LY
Proposal: Convert, extend and alter outbuilding to create a dwelling, change of use of agricultural land to domestic garden (200sqm) and associated works.
Applicant: Mr & Mrs D Le Marquand

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. 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 the proposal does not meet the requirements of Policy GP16(A)a) (Conversion of Redundant Buildings).

OFFICER'S REPORT

Site Description:

The application site comprises a traditional, double pile farmhouse with associated extensions and garage building arranged around a parking court adjacent to the north boundary, with associated garden extending to the south. This part of the site is bounded by Rue des Annevilles to the north and Les Rouvets Road to the west and residential properties to the south, east and south-east.

The site area also extends to include a strip of land to the south of the garden area, wrapping around the east of the adjacent property to the south and the south of the adjacent property to the south-east, and a further garage is located on that strip. The site ownership also includes a parcel of agricultural land to the south of that strip. This part of the site is bounded by a residential property and agricultural land to the west, residential properties to the south, which face onto Route du Camp du Roi to the south, and domestic land associated with one of those properties to the east.

The main building group is accessed from Rue des Annevilles to the north, whilst the southern strip of land comprises an access drive from Les Rouvets Road to the west serving the garage, agricultural land and neighbouring property to the north. There is vehicular access from the access drive to the south into the garden area associated with the main building group, but only pedestrian access from the garden area into the parking court.

The property is situated Outside of the Centres as defined in the Island Development Plan.

Relevant History:

Application site

FULL/2021/1260 Change of use of agricultural land to domestic garden (250sqm) and erect garage. Planning permission granted 06/10/2021

La Petite Jaoniere and adjoining land to south-east of application site (C019360000)

FULL/2019/1882 Change of use of agricultural land to domestic garden. Planning permission granted 06/11/2019.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert the existing garage at this site into a one bed dwellinghouse, and to extend the domestic curtilage to the south by c7m over a length of 31m, creating an area of garden and parking. The curtilage would be demarked by a 1.8m wall to the access drive to the north and an earthbank and hedging to the agricultural land to the south. There is a note about post and rail fencing for a section of the boundary by the building. The extent of this fencing is not entirely clear, but appears to extend from the western building line to the east boundary and along a section of that boundary.

In support of the conversion a Structural Appraisal has been submitted, prepared by Plan B Chartered Building Consultancy, and the following works are proposed to the building:

- Construction of a single storey flat roof extension, incorporating solar panels to the roof;
- Replacement of garage door with windows and infill blockwork;
- Installation of full length glazing and Juliet balcony at first floor to south-east gable.

A minor departure is requested under Section 12(2) of the General Provisions Ordinance, should any element of this planning application not be deemed in compliance with the requirements of Policy, specifically referencing Policy GP16(A)a).

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
OC5(B)	Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance:
Parking Standards and Traffic Impact Assessment
Strategy for Nature

Representations:

One letter of representation received raising the following points:

- The garage was only constructed in 2024 and it is questionable why that structure was built if not required;
- The Structural Report includes photographs of a vehicle stored within the building;
- The building could be used to store tools/equipment for use in connection with the maintenance or use of the adjacent agricultural field, or for some other purpose incidental to the residential use;
- The redundancy of the building must be considered objectively, having regard to refusals at FULL/2025/0244, FULL/2024/1140, FULL/2024/1901 and FULL/2024/1986;
- The stated increase in the size of the building clearly exceeds the 20% increase limit routinely applied in these cases, with no justification;
- The works proposed to upgrade the building are not shown on the plans, contrary to the Authority's guidance note;
- There is an inconsistency between the areas of paving as shown on the different plans.

La Societe Guernesiaise comments as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that the applicant has provided some outline landscaping measures, but these do not include sufficient details to determine if the proposals would result in a net ecological gain, as required under the Strategy for Nature. We would point out that non-native species generally have little or no biodiversity value.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

We would also highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing building, in particular the roofspaces, be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012. We would further recommend that appropriate provision for roosting bats and certain species of nesting birds be incorporated into the development.

We would request that, if this application is considered further, such wildlife considerations are covered by an appropriate planning condition. If an informative note is used instead, we would request the following wording -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal would comply with policy, specifically in relation to:

- Redundancy of the existing building;
- Extent of extension proposed.

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).

Policy context and the principle of residential development

The Spatial Policy of the Island Development Plan (IDP), expressed through Policy S1 (Spatial Policy), 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 (SLUP)”*.

The approach to development set out within the SLUP and the Spatial Policy of the IDP is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the IDP *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.

In exceptional circumstances, in relation to housing, the IDP 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 (Housing Outside the Centres) and encapsulated in Policy GP16(A) (Conversion of redundant buildings) in the IDP.

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

a. It is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

Permission was granted for the construction of the building which forms the subject of this application in 2021, as a domestic garage with loft storage above, conditional upon the building being used only for purposes incidental to the enjoyment of the dwellinghouse known as The Farm. Works were commenced on construction in September 2024 and the structure was signed off as complete by Building Control in March 2025, approximately 6 months prior to the submission of this application. Notwithstanding the statement in the supporting letter, the photographs within the Structural Appraisal submitted in support of this application show a single car being garaged within the building, demonstrating that the authorised use has been implemented. There is however no further evidence of use within those photographs and, at the time of the site visit undertaken by the case officer as part of the assessment of this application (24/10/2025), the car was no longer present and the building was empty.

The covering letter for the current application states that the applicant's garaging needs are fulfilled within the principal dwelling. No further explanation is provided as part of

the submission, however it was observed on site that there are two existing double garages located within the building group to the north of the site, capable of housing 4no cars and providing additional miscellaneous storage.

Given the recent and robust construction of the garage it is clearly capable of being used for its authorised purpose and no evidence has been presented to contrary.

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.

In respect of whether the building at the application site is no longer required, whilst the existing garage provision to the north of the site is noted, that garaging existed at the time of the application and approval for the construction of the new garage. The construction of the garage/store was undertaken between September 2024 and March 2025, in the full knowledge that the structure could only be used for purposes incidental to the existing dwelling, The Farm, and additional to the provision already in place on the site. There is no evidence within the submitted information which sets out any apparent changes in circumstances and it has not been demonstrated that the requirement which drove the construction of the building no longer exists.

In light of the above 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 the proposal does not meet the requirements of Policy GP16(A)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 creation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. The existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

Following the approach taken by the Planning Tribunal in relation to an appeal under GP16(A) (Rue Coutance Ref: PAP/008/2019), this criterion must be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation

to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

The submitted Structural Report confirms that the building is of recent construction, of insulated cavity blockwork with additional insulation incorporated within the ground floor construction and assumes that the foundations meet the requirements of the Building Regulations. Building Control records confirm inspection of the excavations. It is therefore accepted that the building is of sound and substantial construction in relation to its current authorised use.

The floor space of the existing building is c70.9sqm. The building as it stands would therefore exceed the size requirements of the Guernsey Technical Standards to form a dwellinghouse.

The works proposed to facilitate the conversion are set out in the Brief Description of Development above. Whilst any upgrades to the physical structure in terms of insulation are not shown on the submitted plans as might normally be expected, in this case, taking into account the nature and construction of the existing building and the limited extent of works proposed, it is not considered necessary to require this. In determining the previously cited appeal, and taking into account para 19.17.7 of the IDP, the Tribunal concluded that work necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, together with the installation of internal partitions, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A). The remaining works itemised above are not considered to amount to extensive alteration or rebuilding.

The proposal would therefore comply with Policy GP16(A)(c).

d. The proposal 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 at the site, nor are there any nearby protected buildings, the setting of which might be affected by the proposed development.

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 existing building is of modern construction and simple form, constructed and designed to appear as an outbuilding, and would not be considered to comprise a building of character.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment,

whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

The building is set back from the surrounding roads and is screened from those roads by the roadside development, glimpsed only distantly from the site access, and therefore has a negligible impact on the character of the wider area. The proposal would retain the form of the existing building and the proposed alterations to the external envelope would be limited to the construction of an extension and alterations to fenestration and would not have any particular adverse impacts.

Proposed areas of hard surfacing are not excessive and incorporate a permeable finish.

The provision of soft landscaping is addressed below.

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;

The proposal would require a change of use of part of the agricultural land to the south to enable its use for domestic purposes and would also fall to be considered under Policies OC5(B) (Agriculture Outside of the Centres – outside of the Agriculture Priority Areas), GP15 (Creation and extension of curtilage) and GP1 (Landscape Character and Open Land).

Policy OC5(B) supports the change of use of agricultural land where the proposed new use accords with the other relevant policies of the Plan.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character; and,
- b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,
- c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,
- d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,
- e. it would not adversely affect the reasonable amenities of neighbouring residents.

Policy GP1 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.

The property is not located within or adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area, and the change of use would only require the removal of recently constructed fencing, which does not contribute positively to the character of the area.

In terms of landscape character, the application site is located on the Central Plain, as identified within Annex V in the Island Development Plan. As described above, whilst the site is set amongst a flat area of open land, this is screened from public view by the roadside ribbon development. The proposed change of use relates to a limited area of land, well related to the residential properties to the north and would not project significantly into or in any way compromise the adjacent open land to the south, or have significant impact on landscape character. Furthermore it is noted that, following the grant of consent in 2019, the land to the east is recognised as domestic curtilage. In light of the above it is not considered necessary to limit the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 available in this instance.

The proposal would therefore comply with the requirements of Policies GP16(A)f), OC5(B), GP15 and GP1.

In addition to the requirements of these policies, there is an expectation under the Strategy for Nature to seek biodiversity enhancements when considering a change of use of land. The application proposes the erection of a planted earthbank along the south and part of the east boundaries of the site. Whilst this is limited, it is proportionate to the area of the change of use and net gain is not yet a requirement in local legislation or policy. The proposed landscaping would therefore be acceptable, subject to the use of appropriate native planting species, which can be secured by condition.

g. The conversion would not require more than modest extension to the existing building for it to be achieved;

The proposed extension would comprise c16.2sqm (internal floor space), comprising c23% of the existing floor space. Whilst, proportionately, this is slightly larger than the 20% increase normally accepted, in real terms the additional area above that normally permitted would comprise 2sqm. Taking into account this limited additional area, and the fact that the structure would comprise a subservient addition to the existing building, it is considered that the proposed extension could be considered modest for the purposes of this criterion.

The extension is not of a scale that would form a significant part of the new unit, in effect creating a new building.

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

There are residential properties to the north and west of the proposed dwellinghouse. The introduction of a dwellinghouse and associated amenity space in this location would not however, in itself, give rise to impacts on the amenities of those properties and the relationship of the building to those properties would prevent any adverse impacts from the physical form and alterations proposed. The distance to the properties to the south would prevent any adverse impacts on the amenities of those properties.

Residential amenity

The converted building would exceed the requirements for a two person dwelling, having regard to the guidance set out in the Guernsey Technical Standards. The size and quality of the outdoor space would be good for a property of this size and separated from the shared access drive by a new wall. Whilst the outlook from the living room may be limited, the kitchen and upper floor would benefit from views over the adjacent open land. Overall, the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Traffic, access and parking provision

The dwellinghouse would utilise the existing site access on to Les Rouvets Road to the west, and would retain the rights of way to the adjacent property to the north and agricultural land to the south. Visibility splays from this access are severely limited by the roadside pillars and wall, although the presence of a traffic mirror is noted. Whilst the proposal would represent an increase in the number of units at the site, it does not propose the creation of additional parking spaces (replacing the two spaces within the approved garage with two external spaces), and is not therefore considered to significantly impact vehicle movements through the access or on the surrounding highways. Consequently, notwithstanding the limitations of the existing access, the proposal would be in accordance with Policy IP9 (Highway Safety, Accessibility and Capacity) and meet the material considerations in respect of road safety.

The proposed parking area would provide adequate parking for the new dwelling, in accordance with IP7 (Private and Communal Car Parking).

Enclosed cycle storage is provided, in accordance with the Parking Standards SPG and Policy IP6 (Transport Infrastructure and Support Facilities). Implementation can be managed by planning condition.

Sustainability, accessibility and adaptability

In terms of accessibility, it is stated that the building has been designed in accordance with the relevant requirements of the Building Regulations, including level thresholds, good circulation and a ground floor WC. The proposal would therefore meet the terms of Policy GP8 (Design), parts f) & g).

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations,

including enhanced insulation. Solar panels are proposed to the new extension. Permeable paving is proposed to the hardsurfaced areas and an electric vehicle charge point is to be included adjacent to the parking area. Implementation of these features can be managed by planning condition. The information submitted is adequate to meet the requirements of Policy GP9 (Sustainable Development) part a).

Other matters

On the basis of the recent construction of the building and the photographs provided, it is unlikely that the building is being used by bats. The recommended informative could however be applied to any permission issued to bring the potential to the attention of the applicant.

As noted in the letter of representation, the strip of paving shown along the north gable of the building differs between the proposed Ground Floor and Block Plans, and appears to extend beyond the site boundary in the former. Given the recommendation for refusal, it is not however considered necessary to seek amendments in respect of this point.

Conclusion

In light of the above, it has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose, or therefore that the building comprises a redundant structure for the purposes of Policy GP16(A)a).

The Spatial Policy specifically directs the majority of new development to the Main and Local Centres and, in the case of new housing, only allows for development outside of those areas exceptionally in certain specified circumstances such as, in relation to this site, the conversion of redundant buildings in accordance with Policy GP16(A). The redundancy of the building is fundamental to the acceptability of a proposal under Policy GP16(A). Consequently the proposal cannot be considered as a minor departure under Section 12(2) of the General Provisions Ordinance.

In light of the above, it is recommended that the application be refused.

Date: 10/11/2025

