

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 building to a residential dwelling and associated works.

LOCATION: Les Pres, La Maison Au Compte, Vale.

APPLICANT: Mr Tim Guilbert

I refer to the application referred to below received as valid on 20/10/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/01/2026

Drawing Nos: Tyrrell Dowinton Architects: 2534 03.01A, 02A, 03, 04, 05, 06, 07

Application Ref: FULL/2025/1598

Property Ref: C010110000

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. 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 criterion a) of Policy GP16(A).

2. The application has failed to satisfactorily demonstrate that the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties. The proposal does not achieve a satisfactory relationship

between the host dwelling (Les Pres) and the proposed dwelling when taking into account the close proximity, relationship, proposed fenestration and layout of the site, which is likely to lead to unacceptable harm to the amenities, enjoyment and privacy of future occupiers of the proposed dwelling. The proposal is contrary to criterion h) 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/2025/1598
Property Ref: C010110000
Valid date: 20/10/2025
Location: Les Pres La Maison Au Compte Vale Guernsey GY3 5HF
Proposal: Convert building to a residential dwelling and associated works.
Applicant: Mr Tim Guilbert

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

The application site consists of a detached, 1.5 storey dwelling-house located to the south-west of La Maison Au Compte. The property is situated Outside of the Centres as defined in the Island Development Plan.

The dwelling is served by a group of buildings located to the north-west of the property. The buildings are made up of 3 different structures of different ages and uses. To the north lies a traditional granite building currently used as a home-based office. A larger rectangular building centrally positioned is currently used as a domestic workshop. A smaller domestic garage lies to the south. The individual buildings adjoin one another, are internally linked, and are recognised as forming one large building mass and therefore are seen as a single outbuilding.

It is understood that the granite larger rectangular building was constructed sometime between 1898 and 1938. The larger rectangular building would have once served as a packing shed given the relationship to the former glasshouses on the site. The use of the other granite building is less clear given that it was built at the same time, but was near the old quarry to the south and therefore may have been used as part of the horticultural and/or mining and quarrying industry. The garage was later attached to the structure in the late 1970s. In 2012, planning permission was granted to extend the domestic curtilage, amongst other works. The permission (ref: FULL/2012/1703) included the group of buildings to the north-west of the dwelling and therefore they are included as part of the domestic curtilage.

The property is also served by a newly formed outbuilding to the rear (south-west) of the house. Planning permission was granted in 2020 (FULL/2020/1556) to erect a timber framed 1.5 storey outbuilding to the rear (south-west) of the dwelling, which included parking for 3 cars at ground level, and storage provision at first floor level. An application was approved in 2021 to vary the design of the outbuilding to create a home office at first floor level together with a WC and kitchenette (application ref: FULL/2021/0085).

Relevant History:

Reference No	Description	Decision	Date
PREA/2025/0531	Proposed dower unit	Pre-application enquiry.	2025
FULL/2021/0085	Variations to plans previously approved to erect timber framed outbuilding on south-west (rear) of dwelling - Change of use of dwelling house (use class 1) to home business (residential use class 5).	Granted	2021
PREA/2020/2525	Variations to plans previously approved to erect timber framed outbuilding on south-west (rear) of dwelling - change of use of first floor to home office.	Pre-application enquiry.	2020
FULL/2020/1556	Erect timber framed outbuilding on south-west (rear) of dwelling.	Granted	2020

Existing Use(s):

Dwelling-house – Residential (Use Class 1)

Fields - Agricultural (Use Class 28)

Brief Description of Development:

Planning permission is sought to convert an outbuilding to a residential dwelling to create a 1-bedroom dwelling-house. The proposed dwelling-house will be served by a lobby, kitchen, living room, utility, store, bathroom, and bedroom. The dwelling will be served by a bike store and patio area to the rear, and a driveway to the front. The proposal includes the demolition of a timber store to the rear of the structure.

The proposal does not include the change of use of agricultural land to domestic curtilage but includes reconfiguring the layout of the existing domestic curtilage to serve the existing and proposed dwelling. A shared driveway has been incorporated into the scheme.

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(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development
GP16(A) – Conversion of Redundant Buildings
IP7 – Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the principle of residential conversion is supported under Policy.
- Whether the existing building is redundant for the purposes of Policy GP16(A).
- Whether the design of the proposed dwelling, and impact of the development on the character and appearance of the area is acceptable.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.

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 purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

Policy OC1 makes provision 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.”* The policy text goes on to clarify that proposals for the conversion of redundant buildings to dwellings will be considered under policies GP16(A) and GP16(B).

As this application proposes the creation of a new dwelling through the conversion of an existing outbuilding, then it is acceptable in principle provided that the proposal complies with Policy GP16(A) and other relevant policies.

Conversion of the redundant building

Proposals for development under Policy GP16(A) must satisfy all of the policy criteria in order to be considered acceptable, which will be addressed 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.*

Paragraph 19.17.4 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.”*

Whilst it is recognised that the large rectangular building and smaller granite building would have been associated with the former horticultural industry, and potentially

quarrying industry based on orthophotographs, all three structures (including the garage) were included within a change of use of land to domestic curtilage in 2012 under planning permission FULL/2012/1703. Consequently, the building's current and last known use is as a domestic ancillary structure.

The agent has shown on the drawing submitted that the granite building has been used as a home office, with the larger rectangular building as a domestic workshop, and the lean-to structure as a garage, which was evident during the officer's site visit. The agent has confirmed within their covering letter dated 1st October that the structures were recently used in association with a home-based business.

Following the cessation of any home-based business, the land and building would revert to residential use class 1 without the need for planning permission under the Land Planning and Development (Exemptions) Ordinance, 2023.

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. 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 is no longer required or capable of being used as a domestic ancillary building, the structure is only a short distance from the host dwelling (approximately 4m) and therefore is close and well related to the dwelling-house. Whilst the interior of the structure was in the process of being emptied during the site visit, it could be used for an alternative ancillary use associated with the dwelling, for example, additional storage (as set out in the agent's justification as part of application FULL/2021/0085), a home office, gym, garage or an ancillary living unit, which could be beneficial to the existing owner, or a future owner of the site.

Moreover, just because a new structure has been erected on site as part of a recent planning permission does not provide sufficient grounds to make the former structure on the site 'redundant', for the purposes of Policy GP16(A) as this could undermine the Spatial Policy of the IDP. The application building clearly remains suitable and useful for ancillary domestic storage or could be used for a variety of other ancillary domestic purposes. The application has failed to satisfactorily demonstrate that the building is no longer required or capable of being used for its current or last known purpose. On that basis the proposal is contrary to the provisions of 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 of the building as proposed falls with the range of uses acceptable 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

In light of an recent appeal decision (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) this criterion will be assessed in two parts - there will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

In order to demonstrate compliance with criterion (c) of GP16(A) a structural report was submitted as part of the application. This concluded that:

The granite outbuilding was found to be structurally robust and in very good condition...The granite walls had no visible indications of any structural movement...

To convert the granite outbuilding to a habitable dwelling, the loadings applied with updated insulated roof coverings and ceilings, would not exceed the structure's capacity as the increase in loads would be marginal compared to the self-weight mass of the granite walls. The ground conditions in the trial holes have confirmed that the bearing capacity would have extra capacity to sustain the current loadings and any increase in upgraded self-weight of materials...It is our opinion that the granite outbuilding has capacity and is structurally robust enough to undergo the proposed alterations and additions in the proposed planning scheme to convert it to a habitable dwelling.

The walls of the mixed construction workshop were found to be in good condition. There were no cracks visible and the masonry walls were straight and plumb... and would need some localised strengthening to upgrade the roof coverings and ceilings, such as, additional rafters to be installed alongside the existing, which could be simply achieved as the roof structure is fully exposed in its current state. The additional loads for the upgrade roof and ceiling would be minimal and can be easily achieved without having a detrimental effect on the structure.

The imposed floor loadings of a domestic dwelling would be no more onerous than those already supported by the workshop... It is our opinion that the 2 outbuildings surveyed and assessed within this report are structurally sound and robust structures...with only minor additional roof strengthening works and some localised repointing to the granite work.

In light of the above, the existing buildings are of sound and substantial construction, and are capable of conversion without extensive alteration or rebuilding. The proposal accords with 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 at or in the vicinity of the 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 traditional granite building possesses some architectural and historic interest and is visible along La Maison Au Compte. However, due to the nature of the conversion, the proposal would not have any unacceptable impacts on the contribution a building of character makes to the character and appearance of the area. The proposal accords with criterion (e) of Policy GP16(A).

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.

In this case, the conversion is located within the recognised domestic curtilage of the host dwelling and would not adversely impact on the character and openness of the landscape.

The proposal accords with criterion (f) of Policy GP16(A).

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

The proposal does not require an extension to the existing building.

The proposal accords with criterion (g) of Policy GP16(A).

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

The building stands in a fairly isolated position that is set back from neighbouring properties. The development will not adversely impact on the amenities and enjoyment of neighbouring properties outside of the application site.

However, concerns are raised over the close relationship and proximity between the proposed dwelling and the host dwelling, which is approximately 4m at the closest point between the two buildings. This relationship is also likely to be exacerbated by the proposed fenestration and layout of the site. For example, any vehicles accessing the host dwelling would need to travel directly towards, and past the proposed dwelling, to park at the rear of Les Pres. The rooms most likely to be impacted by disturbance and nuisance as a result of the layout of the site would be the proposed living room and utility, particularly at night with headlights from vehicles causing a nuisance. This would also be exacerbated by individuals accessing the rear of the host dwelling on foot, again traveling in close proximity to the proposed dwelling which is likely to impact the enjoyment and privacy of future occupiers of the proposed dwelling, particularly when using the proposed living room.

Consequently, the application has failed to satisfactorily demonstrate that the *proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area*. On that basis the application is contrary to the provisions of criterion h) of Policy GP16(A).

Whilst this neighbour amenity issue could potentially be overcome as a result of changes to the layout and design of the scheme, the overriding issue of redundancy would not warrant deferral when there is no obvious solution to overcome this concern.

It is therefore recommended that the application be refused.

Date: 23/01/2026

