

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 residential dwelling, change of use of agricultural land to domestic garden (1,300sqm) and associated works.

LOCATION: La Petite Vallette, Rue Des Longs Camps, St. Saviour.

APPLICANT: Mr Liam Roffey

I refer to the application referred to below received as valid on 05/11/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 16/02/2026

Drawing Nos: SOUP Architects Ltd: 517_100(1) & 300(1)

Application Ref: FULL/2025/1672

Property Ref: E001280000

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 buildings have not been demonstrated to the satisfaction of the Development and Planning Authority to be of sound and substantial construction capable of conversion without extensive alteration or rebuilding, contrary to Policy GP16(A) c. 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/2025/1672
Property Ref: E001280000
Valid date: 05/11/2025
Location: La Petite Vallette Rue Des Longs Camps St. Saviour Guernsey
GY7 9YN
Proposal: Convert building to residential dwelling, change of use of
agricultural land to domestic garden (1,300sqm) and associated
works.
Applicant: Mr Liam Roffey

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The buildings have not been demonstrated to the satisfaction of the Development and Planning Authority to be of sound and substantial construction capable of conversion without extensive alteration or rebuilding, contrary to Policy GP16(A) c. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

La Petite Vallette, Rue Des Longs Camps is a detached one and a half storey cottage with two existing sheds and a greenhouse situated to the east of the dwelling.

The subject building is situated to the east of the site, where a separate agricultural access exists in the north boundary from Rue Des Longs Camps. The building has a pitched roof and primarily render exterior with small elements of timber cladding. The roof is formed using corrugated metal sheeting.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

1979 aerial photograph

This shows two spans of glass to the west of the agricultural access from Rue des Longs Camps and two to the east with a packing shed/associated building to the south of those eastern buildings. At that time there was no evidence of the building that is the subject of this application although the redundant pit, believed to be an oil catch pit, is visible. In this aerial photograph it is apparent that the location of the building that is

the subject of this application is taken up by the eastern end of the northern span of glass on this site.

A review of the property file has highlighted that in July 1965 permission was sought to extend the existing glasshouse (50ft) “of which 15ft x 28ft will be used as boiler house”.

Drawings for the boiler room were approved in October 1965 and show the lower part to be blockwork and all upper parts to be glazed based on the drawings submitted.

In December 1968 permission was granted for an oil tank and catchpit in the location of the proposed domestic store.

1990 aerial photograph

Only a small section of the northern glasshouse to the west of the agricultural access remained and it appears that the eastern end of this may have been clad (roof and walls), forming the building that is the subject of this application. The situation remained unchanged in 1996 where the roof cladding of the glass is more apparent. The last remnants of glass appear to have been removed between 2019 and 2022.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the detached building situated to the east of the site, identified in the submission as a redundant vinery shed, with a redundant storage pit to the east. It is proposed to change the use of the building to a dwelling, with an extension to the west and a bin/cycle shed proposed within the existing storage pit.

The proposed accommodation comprises of an open plan kitchen, living and dining room and one double bedroom in the existing building and a store and shower room accommodated within the proposed extension which has been designed with a pitched roof and render exterior.

The submission incorporates a Structural Report by CBL Consulting which confirms that the inspection was non-intrusive so areas that are covered or inaccessible cannot be confirmed as being free from defect and noting that none of the woodwork has been inspected. The report also highlights that due to site topography the building is partially subterranean, and that:-

- The western gable is free from significant cracking
- the gable timber cladding is in need of localised repair but the majority of the elevation will become an internal wall with the upper section of timber frame being taken down and rebuilt as blockwork
- the timber framed sections of the southern and northern elevations are to be replaced with blockwork infills

- the eastern elevation is primarily blockwork and free from significant structural defect - The works to this elevation will result in this elevation being “stiffened”.
- there are cracks to the east and north elevations – not considered structural defects
- trial hole excavation – strip footing is capable of sustaining the existing and proposed loads
- the roof is corrugated steel sheeting in reasonable condition with no visible signs of damage or displacement (some surface corrosion is noted)
- it would be “advantageous” to enhance the roof structure internally (internal ply sheathing layer to allow for an Isothane insulation foam to be injected)
- the floor is a concrete ground-bearing slab – no signs of significant cracking or structural displacement.

The report states that the “structure is capable of sustaining the dead and imposed loads without the need for significant improvement.”

The application is also accompanied by a letter from a planning consultant which sets out that the former horticultural use of the land has ceased, glasshouses have been removed and the building is no longer required. The letter describes the building as of “generally sound and substantial construction” and that the works to convert the building are not extensive. The extension proposed is noted as not exceeding 20% of the existing floor area and that it would not be significant in scale.

The submission argues that the scheme includes a proportionate domestic curtilage which would not have unacceptable impacts on the character and openness of the area or the wider use of the Agriculture Priority Area, noting matters relating to topography and mature trees that preclude this land being used for commercial agricultural purposes.

With regard to sustainable development/design the letter highlights that retaining the majority of the structural fabric would preserve the building’s embodied energy. New energy-efficient doors and windows along with high levels of insulation would proportionately address the requirements of Policy GP9. The submission also addresses the matter of biodiversity on the site and notes that the adaptation of an existing structure will provide cycle storage to comply with Policy IP6 and that there will be ample onsite parking/turning to comply with Policies IP7 and IP9.

Reference is made to various other permissions granted for the conversion of redundant buildings which are considered, by the consultant, to involve a greater scale of alteration or rebuilding than currently proposed and highlighting the need for consistency in decision making. The submission also includes a request for a minor departure from IDP policy if considered necessary.

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

Island Development Plan:

OC1: Housing Development Outside of the Centres

OC5(A): Agriculture Outside of the Centres – within 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

Representations:

La Societe Guerneslaise – remain concerned about the reclassification of agricultural land to domestic garden however, as the IDP currently permits the consideration of such applications, we seek to optimise ecological gains in such cases wherever possible.

The property is within an extensive agricultural area and although some biodiversity measures are proposed they are quite sparse and there would be further opportunities available to ensure there is a sufficient net ecological gain, as required under the Strategy for Nature.

Buildings of this type can be used by roosting bats and The Bailiwick Bat Survey has shown that there are bat populations in this part of the island so it is recommended that the existing building be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbance or destroying animals which are legally protected under the Animal Welfare Ordinance, 2012.

The environmental impact of light pollution on many types of wildlife is also highlighted particularly where existing sources of artificial light are sparse and consideration should be given to light pollution that may arise from the development in a rural setting with external lighting kept to a minimum (low intensity, directional, timers etc.)
Appropriate conditions/informative notes relating to roosting bats and nesting birds are recommended.

Consultations:

Office of Environmental Health and Pollution Regulation – have interrogated the States' Digimap system, including Guernsey Historic Maps, Historic Orthophotos and Cadastre Registry of Land, to assess the historic use of the site. It is clear from the historic records that both heated and cold glasshouses have historically been located at the site. I am therefore concerned that there is the potential for the land to be contaminated from metals, hydrocarbons and pesticides. Other sources of contamination could also be present.

Due to these concerns, I recommend that a full land contamination land condition is imposed.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, taking into account whether the existing structures are lawful, whether the buildings are of

sound and substantial construction capable of conversion without substantial alteration or rebuilding, the proposed extensions (main building and store), the change of use of agricultural land to domestic garden and the living environment of future occupiers.

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.

Preliminary matters

The survey drawings appear to show some sort of porch/extension to the west of the building but this was not noted on site or evident in submitted photographs so it has not formed part of the assessment of the application. The building has an existing floor area of 34.5sqm.

The development includes the creation of a shed/store in the former oil catch pit which contributes towards the overall dwelling floor area and its proximity to the proposed dwelling means that consideration should be given to the fact it could be linked (with only minor alterations) to the dwelling to increase the overall footprint.

In *The Island Development Committee v S. Lainé and L. Lainé [2003]*, the Court of Appeal held that unauthorised (and therefore unlawful) development was not a springboard by which further development might be authorised.

Policy context

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 states that proposals for new housing will not generally be supported Outside of the Centres. The Spatial Policy also helps to protect the countryside from unacceptable forms of development in order to avoid unnecessary urbanisation of the Island's undeveloped areas (IDP paragraphs 15.1.4 and 15.1.11).

The IDP makes provision for all new housing within the Centres and does not allow for new build housing Outside of the Centres although there is an exception to allow for

conversion of buildings Outside of the Centres to residential use. Policy GP16(A) allows for conversions of redundant and structurally sound buildings to one of a number of specified uses, including residential such as in this case (which complies with criterion b. of GP16(A)), which ordinarily would not be permissible Outside of the Centres, on the basis that this would comprise a sustainable and efficient use of resources and would enable reuse of buildings which, given that they remain structurally sound, are unlikely to be demolished and would otherwise remain unused but part of the surrounding landscape.

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.

Policy OC5(A) makes provision for development not related to a farmstead/existing agricultural holding where all other relevant policies are satisfied.

Whether the buildings are of sound and substantial construction capable of conversion without substantial alteration or rebuilding

In the Island Development Plan, 'conversion' is defined for the purposes of the policy as 'development that involves works to an existing building that would facilitate an alternative use (e.g. conversion of a barn to a dwelling). Paragraph 19.17.3 goes on to state that: *"proposals that would require significant works to the fabric of the structure, such as rebuilding of external walls, may be regarded as being 'new-build' rather than conversion."*

In this case, a glasshouse and boiler-house were constructed following approvals in the mid-1960s but there is no record of permission having been sought to alter the glazed upper framework of the boiler house to timber clad walls and install a new roof. As a result, the structure as it exists today was not previously granted planning permission and is not authorised.

The application has been accompanied by a Structural Survey confirming that the building is capable of conversion to residential use although the report does not assess the condition of the roof timbers or the pit that is proposed to be extended (walls and roof) to create a store, nor does the scheme detail how the roof would be retained whilst gable walls are rebuilt.

The onus is on the applicant to demonstrate that a building is of sound and substantial construction (GP16(A) c.). The Structural Report in this case sets out that the inspection was visual only and not intrusive.

The building incorporates a simple framework to support the ad hoc arrangement of timber cladding, the unglazed windows and there are cracks in the blockwork that allow daylight to penetrate.

The scheme proposes the replacement of timber frame gable walls, above blockwork, with new blockwork and/or glazing but with the intention of retaining the existing roof and roof structure, however there is no explanation as to how this would be achieved without the existing roof structure being removed. No method statement has been provided in relation to these works to establish how the construction of the walls whilst the roof is retained would be achieved.

A significant proportion of the structure would need to be removed and replaced, and it is not possible therefore to establish that the building is capable of conversion without rebuilding contrary to Policy GP16(A) criterion c.

Building Control have been consulted on the proposals and have confirmed that the amount of building work likely to be required for the proposals would be extensive and that further information would be required to establish whether the proposed conversion would comply with the Building Regulations.

To build up the walls of the existing redundant pit and to install a roof so that the space can be utilised as a domestic store would represent a substantial alteration to this existing structure/floorspace and would also fail to comply with the aims of Policy GP16(A) criterion c.

Proposed extension

Paragraph 19.17.8. of the IDP states:

Proposals to convert an existing building may be accompanied by a modest extension provided that the extension is not of such scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy.

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 (GTS). This means that the building, prior to any extension would need to be at least 30sqm measured internally.

Policy GP16(A) criterion g. permits only a modest extension to an existing building. This requirement is taken in two parts: -

Firstly, the extensions proposed must be modest in relation to the building which is being converted. The submission states that the extension would not exceed a 20% increase in existing floor area and an assessment by the Planning Service does not result in a significantly different conclusion. This would represent a modest extension in relation to the building to be converted in accordance with Policy GP16(A) g.

Secondly, the extension needs to be considered against the new unit and whether it would form a significant part of that unit. Although the extension would house primary living accommodation, the building could accommodate a single person residential unit without extension if laid out differently and the extension in this case does not form a significant part of the new unit proposed.

Implications of *The Island Development Committee v Portholme* [2002]

In *The Island Development Committee v Portholme* [2002], the Court of Appeal 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.”

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

In this instance a request has been made for a minor departure in relation any aspect of the IDP if deemed necessary. A minor departure can only be accepted where it relates to a very small element of the overall scheme and in all other respects the proposals must accord with the relevant planning policies. Where a proposal conflicts significantly with a policy in the Plan it cannot be considered a minor departure.

Notwithstanding the minor departure requested, for the reasons given above and the identified conflict with GP16(A) criterion c, it is not concluded that a minor departure would be appropriate, and it is recommended that planning permission be refused.

Other matters

Given the identified conflict with GP16(A), 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, other matters that would be relevant are set out below.

At the time of the first officer site visit the building was vacant except for a ride on mower. The site was revisited following Storm Goretti and although the building itself did not appear to have suffered significant damage it was noted that a moped and some timber/dismantled furniture had been placed in the building. The submission sets out that the site is former horticultural land, with the glass removed, and so the building is therefore redundant and no longer required in accordance with Policy GP16(A). The more recent storage that has been undertaken does however, cause some doubt regarding the use/redundancy of the building and if the scheme had been acceptable in all other regards this matter may have required further investigation and clarification from the applicant/agent in this case.

The scheme does not relate to a Protected Building therefore Policy GP16(A) d. is not applicable. The building is also not a building of character when considering criterion e.

There is reference in the submission to the decisions made by the Planning Tribunal and other decisions reached by the Development & Planning Authority to grant permission

for the conversion of redundant buildings. It is difficult to safely draw conclusions that what applies in one case will apply in the same way in another. Each case must be considered on its own merits and no two situations will be precisely the same.

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: 13/02/2026