

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: Subdivide, demolish, extend and alter property to create 2 dwellings and associated works (Revised Scheme).

LOCATION: San Lorenzo, Port Soif Lane, Vale.

APPLICANT: Mr M Fouracre

I refer to the application referred to below received as valid on 09/12/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/05/2026

Drawing Nos: A7 Design: 23-1523 PD/04, 05A & 06A

Application Ref: FULL/2025/1879

Property Ref: C02338A000

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. Policy OC1 clearly 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 which is contrary to this policy. Taking the plan and policies as a whole, it is clear that the spirit of this policy is to limit the residential conversion or subdivision of building to certain circumstances i.e. buildings of sound construction which are capable of conversion without significant alteration or extension. The amount of works required in this instance demonstrate that the building is not of a construction which is capable of conversion without significant alterations to create suitable walls in order to provide a satisfactory living environment and standard of amenity whilst meeting the Building (Guernsey) Regulations and Guernsey Technical Standards. The proposal conflicts with 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/2025/1879
Property Ref: C02338A000
Valid date: 09/12/2025
Location: San Lorenzo Port Soif Lane Vale Guernsey GY6 8AQ
Proposal: Subdivide, demolish, extend and alter property to create 2 dwellings and associated works (Revised Scheme).
Applicant: Mr M Fouracre

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Policy OC1 clearly 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 which is contrary to this policy. Taking the plan and policies as a whole, it is clear that the spirit of this policy is to limit the residential conversion or subdivision of building to certain circumstances i.e. buildings of sound construction which are capable of conversion without significant alteration or extension. The amount of works required in this instance demonstrate that the building is not of a construction which is capable of conversion without significant alterations to create suitable walls in order to provide a satisfactory living environment and standard of amenity whilst meeting the Building (Guernsey) Regulations and Guernsey Technical Standards. The proposal conflicts with Policy OC1.

OFFICER'S REPORT

Site Description:

The application relates to the subdivision of the existing dwelling into two dwellings, along with associated demolition, extensions and alterations to the building to achieve this.

The existing dwelling is a detached chalet bungalow, occupying a corner plot at the junction of Port Soif Lane and Clos de Port Soif. The dwelling has been extended to the rear with a single storey flat roof extension and glazed link to a large glazed swimming pool enclosure which extends across the centre of the site from northwest to south east.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2025/0576 – Subdivide, demolish, extend and alter property to create 2 dwellings and associated works – refused.

Reason: Policy OC1 clearly 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 which is contrary to this policy. Taking the plan and policies as a whole, it is clear that the spirit of this policy is to limit the residential conversion or subdivision of building to certain circumstances i.e. buildings of sound construction which are capable of conversion without significant alteration or extension. The amount of works required in this instance demonstrate that the building is not of a construction which is capable of conversion without significant alterations to create suitable walls in order to provide a satisfactory living environment and standard of amenity whilst meeting the Building (Guernsey) Regulations and Guernsey Technical Standards.

Existing Use(s):

01 Dwelling house

Brief Description of Development:

The proposal, as in the previously refused application, involves the subdivision of the existing dwelling to create two units, and requires the infilling of the existing swimming pool, upgrading the roof and inserting insulated panels between the existing conservatory style frames of the swimming pool enclosure and cladding the exterior on three sides as one side has an existing solid blockwork wall. Part of the main pool building is to be demolished in order to create a car port and the conservatory link to the main dwelling is also to be removed to facilitate the development. An existing flat roof extension to the north of the pool house is to remain and is extended to accommodate a home gym.

The submission seeks to highlight that the existing structure is capable of conversion without significant alteration. The amount of fenestration has been reduced to ensure that the dwelling can meet GTS L1 and the upgrades to the floor and roof meet the minimum U-Values. The submission sets out that the work to the existing walls would not constitute significant alteration to create suitable walls and that preserving existing walls, thermally lining them and externally cladding a structure would not be significant works.

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

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder development

Representations:

N/A

Consultations:

The Office of Environmental Health and Pollution Regulation have reviewed the proposal and do not wish to raise any objections.

Summary of Issues:

The key issues in this case relate to the principle of the subdivision, the design, appearance and impact on the character of the area, and impacts on neighbour amenity and the amenity 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.

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. The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations.

It is important to note that the individual policies or paragraphs of the IDP Written Statement should not be read in isolation or out of context and the IDP should be read as a whole including all relevant policies, preceding text, Annexes and the Proposals Map as well as reference to any relevant Supplementary Planning Guidance published by the Authority (IDP paragraph 1.4.14). All proposals are expected to be consistent with the Plan Objectives relevant to the specific proposals.

Principle of the Development- Subdivision of the existing building

The IDP makes provision for housing within the Centres and does not allow for new housing Outside of the Centres except for those developments permitted through Policy OC1: Housing Outside of the Centres to subdivide an existing dwelling into two or more

self-contained units, or under Policy GP16 relating to the conversion/redevelopment of an existing redundant building.

Whilst a 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.

In terms of residential development, the existing building must therefore be of a size and form that can provide an adequate living environment and at least meet the minimum space requirements for that use. In assessing this matter, the Guernsey Technical Standards (GTS) will be considered. Any extension should not be of such a scale that it forms a significant part of any new unit in effect creating a new building contrary to policy (paragraphs 16.1.7 and 19.17.8).

The proposed works include the replacement of the existing glass roof with a slate roof, works to the existing flat roof section to replace the roof, and also the upgrading of the existing walls. The works to the roof appear to meet the criteria of Class 1(6) as the proposed covering is natural slate, with an approx. 20cm increase in the height of the roof when measured externally.

The retained conservatory walls are proposed to be clad with millboard externally which is understood to require the construction of an external frame, and also clad internally, which would require the construction of a frame or partition walls to allow for the fixing/insertion of insulation and plasterboard. While Class 1(1) allows for 'Alterations to an external wall of a dwelling-house or outbuilding' which consists of rendering, removing render or cladding in natural stone, timber or cement boards the proposed works to clad conservatory structures externally with millboard and internally with insulation would not meet Class 1(1) because this exemption allows only for the cladding of a wall which is not applicable in the case of the conservatory structure.

Only a small section of the existing blockwork could reasonably be clad under the exemptions, and this makes up only a very small proportion of the proposed dwelling with the remaining exterior of the proposed dwelling being either clad uPVC or newly constructed. As the glazing has been reduced from the previously refused scheme, this means that even more of the conservatory structure is proposed to be internally and externally clad, than in the previous refusal.

This means that despite the potential for the replacement roof to be exempt work, the proposal still requires significant works, above that previously refused in the earlier application, in order to provide accommodation which is suitable and could meet the Building Control requirements.

Policy OC1 clearly 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 which is contrary to this policy. Taking the plan and policies as a whole, it is clear that the spirit of the policy is to limit the residential conversion or subdivision of building to certain circumstances i.e. buildings of sound construction which are capable of conversion without significant alteration or extension. The amount

of works required demonstrate that the building is not of a construction which is capable of conversion without significant alterations to create suitable walls in order to provide a satisfactory living environment and standard of amenity whilst meeting the Building (Guernsey) Regulations and Guernsey Technical Standards. The proposal conflicts with Policy OC1.

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 no request has been made for a minor departure, and the proposal would not in any case represent one; for the reasons given above and the identified conflict with OC1, the only lawful decision that can be reached is that planning permission be refused.

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.

Date: 13/05/2026

