

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: Demolish building and glasshouses, change of use of agricultural land to domestic garden (930sqm), erect relocated dwelling with associated works.

LOCATION: Les Portes Vinery, Les Portes, St. Sampson.

APPLICANT: Mr & Mrs Ward

I refer to the application referred to below received as valid on 21/04/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 16/06/2026

Drawing Nos: Evans Architecture Ltd: 2522 03.01, 02, 03, 04

Application Ref: FULL/2026/0590

Property Ref: B014080000

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 proposed development fails to comply with Policy GP16(B)(d) and (e) of the Island Development Plan as the scheme does not demonstrate a significant enhancement in sustainable design. The measures proposed largely reflect standard Building Regulation requirements, relying on comparison with the conversion scheme rather than delivering a meaningful uplift. Furthermore, the repositioning of the dwelling and curtilage outside of the approved curtilage and into open agricultural land is not justified by any clear sustainability benefit and would, by reason of its increased scale and extent of hardstanding result in an unacceptable adverse impact on the character and openness of the area. As such, the proposal fails to demonstrate both the required enhancement in sustainable design and the lack of justification for the repositioning of the building and curtilage, contributing to additional harm to landscape character and openness.

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/2026/0590
Property Ref: B014080000
Valid date: 21/04/2026
Location: Les Portes Vinery Les Portes St. Sampson Guernsey
Proposal: Demolish building and glasshouses, change of use of agricultural land to domestic garden (930sqm), erect relocated dwelling with associated works.
Applicant: Mr & Mrs Ward

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development fails to comply with Policy GP16(B)(d) and (e) of the Island Development Plan as the scheme does not demonstrate a significant enhancement in sustainable design. The measures proposed largely reflect standard Building Regulation requirements, relying on comparison with the conversion scheme rather than delivering a meaningful uplift. Furthermore, the repositioning of the dwelling and curtilage outside of the approved curtilage and into open agricultural land is not justified by any clear sustainability benefit and would, by reason of its increased scale and extent of hardstanding result in an unacceptable adverse impact on the character and openness of the area. As such, the proposal fails to demonstrate both the required enhancement in sustainable design and the lack of justification for the repositioning of the building and curtilage, contributing to additional harm to landscape character and openness.

OFFICER'S REPORT

Site Description:

The application site is a redundant glasshouse site which is situated to the north of Les Portes. The site includes glasshouses, a blockwork building with a corrugated roof which was a former boiler house, a fuel tank and a timber clad packing shed. The site is located Outside of the Centres as defined by the Island Development Plan. The site is not within an Agriculture Priority Area.

Relevant History:

FULL/2018/1580 – Convert packing shed and boiler house into dwelling - Approved 04/12/2018.

FULL/2023/1876 - Convert packing shed and boiler house into a dwelling and associated works – granted

PREA/2026/0218 - Demolish existing building, erect dwelling and bike store and associated works, change of use of agricultural land to domestic garden

Existing Use(s):

28 Agriculture

Brief Description of Development:

The application relates to the demolition of the existing packing shed/structures on the site along with the clearance of all glasshouses. The location of the approved dwelling and associated curtilage would alter from the previously approved scheme and be situated further east on the site retaining agricultural land to both the east and west of the site. The proposed domestic garden would be enclosed by earthbanks to the south, east and west with the north boundary formed by existing landscaping. The extent of domestic garden proposed is confirmed as remaining as previously approved – 930sqm.

The proposed dwelling would be single-storey with a pitched roof (varied in height) with a granite plinth with horizontal clad exterior. comprise an open plan kitchen, living and dining room, a study, shower room and one double bedroom. The dwelling would incorporate a large area of permeable parking and turning around the property (south and east with limited area to the west) and a separate patio to the south and west of the dwelling. Cycle parking is shown to be provided along with an EV charging point and air source heat pump to the north elevation.

The covering letter, dated 25/03/2026, seeks to address the relevant planning policies and confirms that glasshouses will be removed from the site. The letter outlines the reason why the dwelling/curtilage would be altered from the approved scheme and uses other permissions as setting a precedent for allowing the changes proposed here. The argument presented focuses on the flexibility offered to property owners to exercise a high degree of personal choice in undesignated areas (para.2.2.13). The proposal is argued to maintain an appropriate separation from other residential properties so as not to result in or suffer unduly from overlooking or loss of privacy. The proximity of the dwelling to the accessway is also highlighted in terms of providing service connection/limiting infrastructure works and helping to alleviate historic contaminated land issues with remediation works expected to be limited to only the area of domestic garden.

The submission highlights that the scheme will retain important boundary features plus introducing new to help assimilate the development to its surroundings without encroachment into the surrounding open land. The submission indicates that there would be a modest increase in volume (16%), but the overall footprint would be smaller than the previously approved scheme.

The submission has sought to address sustainable design and the aim of Policy GP16(B) to achieve a significant enhancement to sustainable design. This appears to seek to demonstrate how the development would be better than the conversion scheme and meet the current Building Regulations stating that it would be unreasonable for the Authority to insist that the development exceed the current Building Regulations.

The application has been accompanied by a Site Waste Management Plan and biodiversity/landscaping proposals. It is noted that the drawings refer to the provision of bird/bat boxes to the north elevation.

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

Policy OC1 – Housing Outside of the Centres
Policy OC7 – Redundant Glasshouse sites
Policy GP1 – Landscape Character and Open Land
Policy GP8 - Design
Policy GP9 – Sustainable Development
Policy GP15 – Creation and Extension of Curtilage
Policy GP16(A) – Conversion of Redundant Buildings
Policy GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment
Policy IP7 – Private and Communal Parking
Policy IP9 – Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Office of Environmental Health & Pollution Regulation –

I have reviewed the proposed plans to demolish buildings and glasshouses, change the use of agricultural land to domestic garden (930sqm), and erect a relocated dwelling with associated works. I note previous planning permission has been granted for a dwelling at the site under FULL/2023/1876, and this application seeks to relocate the proposed residential property.

In line with the comments provided by this office on the 2023 application, records show that the site was historically used for horticultural purposes with heated glasshouses sited across the entire land parcel. As such, there is a risk of land contamination from metals, hydrocarbons, and pesticides, which are commonly associated with former horticultural use. Other contaminants may also be present. Without a proper assessment, there is a risk that site workers involved in the redevelopment of the site and future users of the site could be exposed to harmful substances.

I therefore recommend the following condition be attached to any planning permission granted:

- **Please note this is one condition with multiple sub-sections:**

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i)c of this condition.

Informative/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

I would be grateful if this information and recommendation is considered during the determination of this application.

Summary of Issues:

The key issues in this case relate to the principle of the development, its position on the site, the floorspace and volume of the proposed building, its impact on the wider open landscape and on the amenities of any neighbouring residents.

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.

Planning permission has previously been granted for the conversion of a redundant building on the site at Les Portes. Policies OC1, OC5(A) and GP16(A) have thus been satisfied, and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan. Permission was granted for the conversion of the existing, former packing shed, under application reference FULL/2022/2354 and so criterion a. of Policy GP16(B) has also been met.

When considering applications in relation to Policy GP16(B) the development should be of broadly the same floorspace and volume as the approved conversion scheme. Although no specified figure has been included in the IDP in relation to what constitutes broadly the same the Planning Service has consistently adopted a figure of a 20% increase for schemes such as this, (unless there has been significant environmental benefits in allowing a slight increase beyond this) and as such this has become a legitimate expectation of applicants and agents applying for developments under Policy GP16(B) of the IDP. The approved conversion scheme had a floor area of 103 sqm and a volume of 311 m³ whilst the redevelopment scheme proposes a footprint of 90sqm and volume of 369m³. This represents a decrease in floorspace and a c.18% increase in volume. The proposal therefore complies with GP16(B) b.

With regards to criterion c, the existing building does not make a particular positive contribution to the character of the area.

Criterion d of Policy GP16(B) requires the application to demonstrate that the new building can be constructed in such a way as to significantly enhance its sustainable design.

The application has been supported by information relating to Policy GP9 and GP16(B) d, considering that the 'significant enhancement' required is not defined in policy and is therefore considered as the comparison between the conversion scheme approved under GP16(A) against what can be achieved through demolition and redevelopment under Policy GP16(B). The submission considers that the approved conversion scheme could not be required to meet the same level of energy performance as a new dwelling under current Building Control standards, i.e. it would be less sustainable. The application regards the requirement to exceed current Building Regulation standards as unreasonable.

While the application sets out a range of sustainability measures, these are largely limited to compliance with current Building Regulations and do not clearly demonstrate a "significant enhancement" in sustainable design as required by Policy GP16(B)(d). The reliance on a fabric-first approach, improved insulation, and an air source heat pump reflects standard practice for new dwellings rather than exceeding baseline expectations. Provision for future solar panels is indicative only and does not form part of the committed scheme. Similarly, measures relating to water efficiency, material reuse and sustainable construction are modest in scope and would typically be expected in new developments.

Overall, the extent to which it delivers the level of sustainability and environmental enhancement anticipated by Policy GP16(B) is limited and not robustly justified.

With regard to criterion e of GP16(B), paragraph 19.17.14 of the Island Development Plan states that consideration can be given to *"the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. ... in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of sustainable design and construction of the new building and that there are no increased impacts on ... the character or openness of an area."*

The scheme proposes to reposition the dwelling and associated curtilage further to the east of the wider site, to an area outside of the approved residential curtilage but within the applicant's ownership.

As outlined above, the submission does seek to address the matter of sustainable design and significant enhancement to sustainable design which could, in line with the extract of the IDP above, provide justification to reposition the building on the site. However, while the proposal incorporates measures intended to integrate the development within the site, including additional planting and retention of boundary features, the

assessment relies significantly on mitigation and comparison with the fallback position rather than clearly demonstrating that the development would not result in unacceptable harm to landscape character or openness. The increase in built volume, introduction of a new domestic form, and repositioning of the dwelling have pushed the built development further east with no clear benefit in terms of landscape impact or openness. This revised location, in addition to the increased volume and height of the proposed building, along with a significant increase in the level of hardstanding proposed, would relocate the visual impact further east in the field, away from the existing location of the packing shed. This relocation is not justified by significant enhancements to the sustainable design as considered in relation to criterion d above. This proposal would have greater impact on the open landscape concerned and represents an undesirable form of development in this rural environment which is not justified by the requirements of an improved sustainable design. On this basis, it has not been sufficiently demonstrated that the proposal fully satisfies the requirements of Policy GP16(B)(e) in respect of protecting landscape character and openness, unnecessarily repositioning the dwelling and curtilage within the open agricultural land.

With regard to the final criterion of GP16(B), criterion f, the proposed development is not considered likely to have any additional impact on the amenity of neighbours, due to the location of the site adjacent to agricultural land and distance of over 20m to the nearest dwellings.

The proposal is acceptable in relation to the biodiversity requirements proposed in line with the Strategy for Nature SPG, as these are sufficient to provide the required enhancements to biodiversity and can be conditioned to provide sufficient additional information to ensure appropriate native species are planted.

In summary, it is an expectation of the IDP that development proposals comply with the current Building Regulations and Technical Standards as set out in paragraph 16.1.6 *“The relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will be taken into account in determining whether a proposed unit offers an adequate standard of accommodation”*. As a result a development which meets, but which does not exceed the Regulations would not represent a benefit in terms of GP16(B) and its requirement to substantial enhancement to sustainable design. As a result, the repositioning of the dwelling on the site is not justified on sustainability grounds and the proposal fails to comply with criteria d and e of Policy GP16(B). The scheme does not address all the requirements of Policy GP16(B) and is therefore recommended for refusal.

It is also noted that insufficient information regarding the air source heat pump has been submitted with this application, it is advised that information regarding the specification of the ASHP is included as a minimum in any further applications. An acoustic assessment may also be required to allow consideration of the impact on neighbours and the rural area.

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. These include the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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: 16/06/2026

