

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 and alter ancillary domestic outbuilding (tractor store) to form a dwelling and associated works.

LOCATION: St Vincent, Route De La Mare De Carteret, Castel.

APPLICANT: Mr P Pybus

I refer to the application referred to below received as valid on 22/04/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/06/2026

Drawing Nos: DRP Architecture: 3412-SK-001, -002, -100, -110, -200 & -201.

Application Ref: FULL/2026/0628

Property Ref: D01874B000

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. A tractor store was granted planning permission (FULL/2025/0173) on the basis that the building would be used to store equipment used to maintain the grounds of the property known as St Vincent. The facilities provided by the tractor store would remain useful to serve the dwelling currently known as St Vincent and to maintain the large area of associated land. The garage/store has recently been constructed (in 2025) and the building is clearly capable of being used for its approved 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 part (a) 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/2026/0628
Property Ref: D01874B000
Valid date: 22/04/2026
Location: St Vincent Route De La Mare De Carteret Castel Guernsey
Proposal: Convert and alter ancillary domestic outbuilding (tractor store) to form a dwelling and associated works.
Applicant: Mr P Pybus

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. A tractor store was granted planning permission (FULL/2025/0173) on the basis that the building would be used to store equipment used to maintain the grounds of the property known as St Vincent. The facilities provided by the tractor store would remain useful to serve the dwelling currently known as St Vincent and to maintain the large area of associated land. The garage/store has recently been constructed (in 2025) and the building is clearly capable of being used for its approved 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 part (a) of Policy GP16(A).

OFFICER'S REPORT

Site Description:

St Vincent is a substantial detached dwelling situated well back from Route de la Mare de Carteret behind frontage development and served by a tree-lined driveway.

An ancillary outbuilding, approved under application reference FULL/2025/0173 has been, in the majority, erected and situated to the south of the dwelling St Vincent, adjacent to the access driveway. An earthbank and hedge separate the tractor store site from the garden of St Vincent.

The tractor store is a one and a half-storey building with timber clad exterior. Ground floor windows are PVCu, some have been obscure glazed. A first floor has been installed although no direct access is currently available. First floor space is served by several rooflights. No garage doors have been installed and the building is therefore currently open sided.

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan

Relevant History:

FULL/2016/2842 - Change of use of agricultural land to domestic garden – granted

FULL/2018/2402 - Demolish existing dwelling and store and erect new dwelling and store. Erect gate to south of property – granted

FULL/2021/0001 - Erect wall, relocate and widen vehicular access and alter driveway – granted

FULL/2021/1421 - Erect a 1.5 storey tractor store to south site boundary – granted – *confirmed to be used to maintain the grounds of St Vincent*

FULL/2022/0035 - Variations to previously approved plans to erect a 1.5 storey tractor store to south site boundary - Install rooflights to west (front) elevation and install rooflights and garage doors to east (rear) elevation – granted

2023 - conveyance (publicly accessible at the Greffe) was signed between the vendor (current applicant) and purchaser (part owner of St Vincent). The conveyance includes a covenant containing specific clauses relating to the aim of seeking conversion of the tractor store to a unit of residential accommodation. The signing of this conveyance and the included covenant precedes the start of construction of the tractor store.

FULL/2025/0173 - Erect 1.5 storey tractor store to south-east of site (retrospective) – granted with a condition requiring the building “*to be used as an integral part of, and incidental to the principal dwelling presently known as St Vincent. It does not permit the creation of a separately occupied annex or an independent dwelling.*”

Various other applications relating to the site have been considered in recent years but are not considered relevant to this application proposal.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application seeks to convert the existing tractor store building to a single, four-bedroom dwelling with associated alterations to fenestration. The dwelling would contain an open plan kitchen, living and dining room, a family bathroom, utility room and two double bedrooms on the ground floor and an en-suite bedroom, shower room and further double bedroom at first floor level. Externally, new patios/paths are proposed around the building along with an area of parking and a cycle store to the front. New hedges are proposed adjacent to the access driveway to the west and along the rear site boundary to the east. A bin store is proposed to the south of the dwelling.

The application submission has been accompanied by supporting information that seeks to demonstrate how the development would comply with current Island Development

Plan policies and explaining when the applicant sought to finalise the terms of purchase in accordance with the conditions of sale (which formed part of the consideration of the 2025 application) the arrangement fell through. Although conditions of sale were agreed the applicant has been left with the ownership of the tractor store only. It has been offered to rent as part of the wider property. However, the owner of St. Vincent has declined the rental offer. As such, the owner of the tractor store is arguing that the building is redundant and should be converted to residential accommodation.

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

S1: Spatial Policies

S4: Outside of the Centres

OC1: Housing Outside of the Centres

GP16(A): Conversion of Redundant Buildings

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Annex I: Amenities

Representations:

One letter of representation has been received, expressing concerns about loss of natural habitat and the impact of additional noise and vehicular movements within a quiet rural area.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the principle of the proposed change of use of this building to a dwelling and whether it represents a redundant building.

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.

Wind and Watertight

The Development and Planning Authority defines that for a building to be wind and watertight it would need to include the completion of all external walls and roofs with their final external finish and the installation of all fully working windows and doors (including frames and glazing), in accordance with the approved scheme.

The building has only been constructed very recently with the planning permission dated 21/03/2025. The building is not fully complete in accordance with the approved plans because the garage doors to east and west elevations have not been installed. As such, the building is not wind and watertight nor has it at the present time been fully completed in accordance with the approved scheme.

How and why permission was gained

This site is located Outside of the Centres as designated in the Island Development Plan where new build residential development is precluded (Policy OC1: Housing Outside of the Centres).

The IDP Spatial Policy (Policy S1) sets the overarching context for the assessment of applications to re-use existing redundant buildings Outside of the Centres. The 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 make provision for limited development in the Local Centres to support and enhance them as sustainable settlements and community focal points and to allow for development Outside of the Centres in identified specific circumstances”*.

This Spatial Policy enables development to have a positive impact upon the vitality of the Centres, helping to ensure they retain the level of investment, activity and use necessary to maintain and enhance them as attractive and sustainable centres, and to ensure community growth. 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 permitted application for the tractor store in 2021 and the subsequent application in 2025 were assessed on the basis of householder development which falls to be considered under Policy GP13 of the Island Development Plan.

As summarised in the planning history above, planning permission was sought and gained on two occasions for an ancillary domestic outbuilding to be used for purposes ancillary to the enjoyment of the main house, St Vincent and specified to be used to maintain the grounds of the house.

In the 2021 application report, it was noted that the building would be situated within the garden area of a dwelling and how an ancillary domestic outbuilding can be put to a variety of uses, clearly stating that the application *“must be assessed on the basis that the building will be used for domestic purposes, as any other use (e.g. as a self-contained dwelling unconnected with St Vincent or a garage/workshop business) would need to be*

the subject of a separate application considered against the policies in place at that time”.

The 2025 submission for the erection of a large detached, timber clad, pitched roof outbuilding set out that the current owners of St Vincent were in the process of purchasing the area of land to reattach it with St Vincent *“making the use of the tractor store ancillary and within the curtilage of the application dwelling as it was previously.”* No details of the 2023 conveyance and covenant were shared with the Authority. The signing of this covenant by the two interested parties does, however, show a clear disregard for the planning process and policies in place which quite clearly state that no new build houses will be accepted in this location and the negative impact that such development may have on open and undeveloped areas of the Island. The chronology demonstrates that, even before construction began and before the most recent planning approval, the applicant was contemplating a residential use of the building.

The assessment of these applications was made on the basis that the building would remain an ancillary outbuilding associated with St Vincent and in the 2025 case a condition to that effect was also attached to the permission.

Change in Ownership

Following the grant of permission in 2021 the planning agent contacted the Planning Service to advise that the red line site boundary for the development had changed to relate to the tractor store only and excluding St Vincent itself. The Planning Service advised that the originally approved red line boundary was all domestic land (Use Class 1) and that land ownership is not a planning matter, as planning permission is not required for such a change in ownership. Ultimately, no changes were made to the approved plans for the tractor store at St Vincent to serve that dwelling.

The building was only constructed in 2025, is not yet fully complete and it is now being argued that it is redundant for its current or last known purpose as an ancillary domestic outbuilding serving St Vincent, because it has been sold separately to the main house.

The spatial gateway policies in this case are S1 and S4, leading to Policy OC1: Housing Outside of the Centres which sets out that residential development may be supported where the proposal relates to the conversion of a redundant building (or the subdivision of an existing dwelling which is not applicable in this case). This provides a gateway for the proposed development and directs consideration of such applications to Policy GP16(A).

Policy GP16(A) relates to the conversion of a redundant building if it can be 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 the IDP states:

“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 ...”

The planning permission for the building was originally granted in 2021; the applicant represented the intended use of the building to be the storage of equipment used to maintain the grounds of St. Vincent. The nature and extent of the garden associated with St Vincent remains roughly the same as in 2021. The current application does not address why there is no longer a storage requirement related to site/property maintenance, given that there has been only a modest change in overall domestic curtilage through the separation of the tractor store land (1.75 acres at St Vincent and 0.27 acres of land within the tractor store site).

Furthermore, the policy requirement of GP16(A) necessitates that the need to demonstrate that a building is “*no longer required*” for its current or last known purpose. This is a more objective test than simply requiring the owner of the building to confirm that they no longer require it for the purpose for which it was intended. The IDP does not provide for the conversion of any and all buildings located Outside of the Centres to an alternative use regardless of whether they are redundant or not, because to do so would be contrary to the direction provided by the Strategic Land Use Plan.

If the requirement for usefulness or capability of being used (IDP paragraph 19.17.4) is not assessed objectively, then this could lead to a situation where a building is converted to an alternative use only to be followed by a subsequent application to erect an additional building to reinstate the function it previously served.

In the present case, the loss of covered/secure storage for land maintenance purposes for the c. 1.7 acre site at St Vincent could generate an application for a replacement outbuilding to serve that purpose.

Because the tractor store is a newly constructed building and the owner envisioned residential conversion even before construction and before the most recent planning permission, the project also cannot be considered a *bona fide* redundancy. Paragraph 19.17.7 notes that conversions that would require major re-building will be considered as 'new-build' and assessed against the relevant policies of the IDP. A similar rationale applies when the project is an actual new-build.

This would be contrary to the spatial aim of the IDP, a key aim of the policies for Outside of the Centres being to protect, “*the countryside from unacceptable forms of development in order to avoid unnecessary urbanisation of the Island’s undeveloped areas*” (paragraph 15.1.4). Such urbanisation could arise from new buildings on previously undeveloped land or intensification of independent residential properties in a given area through the conversion of existing buildings.

IDP paragraph 15.1.11 states that the exception to the general preclusion of new residential development Outside of the Centres is in, “generally supporting the conversion of redundant, structurally sound buildings...”. However, general support does not equate to support in each and every case, as the harm caused to the countryside by unnecessary urbanisation would proceed unchecked. This reinforcing the conclusion that an objective assessment must be made when considering such proposals.

Attention is drawn to the recent appeal decision at Ville Vannier issued on 17/02/2026 for the conversion of an outbuilding to a dwelling (with other associated works). This appeal decision highlights a change in circumstances for the applicant since the grant of planning permission and whilst the particulars of the two cases are entirely different the same argument about a change in personal circumstances, has been advanced here.

In the appeal case it was argued that the appeal property was leased “*with no requirement for the outbuilding*”. At St Vincent therefore, the building has been erected and has never served its original intended/approved purpose, as an ancillary outbuilding to St Vincent offering storage for land maintenance purposes. Whether the land/building is in separate ownership does not alter the requirements of the main house, St Vincent, to have adequate ancillary domestic storage for land maintenance purposes.

The Tribunal in the Ville Vannier case set out that “*the assessment of current or last known purpose must arise principally from the lawful use and not changing personal circumstances*”. The building has been constructed and never used in connection with St Vincent but for planning purposes its recognised use is for its intended purpose, as an ancillary domestic outbuilding because this was the lawful use of the site which was established through the grant of the 2021 and subsequent 2025 permissions, when the building fell and still remains for planning purposes, within the garden area of the house, St Vincent. This is also consistent with the Tribunal decision in the Ville Vannier case.

To reiterate the above, the original purposes of the building was to provide St Vincent with space for equipment/machinery etc in order to maintain the grounds and the building remains capable of being used for its authorised use as an ancillary domestic outbuilding associated with St Vincent which is its approved current or last known purpose and therefore the proposal fails to comply with GP16(A) a. of the IDP.

Conclusions

The scheme fails to comply with GP16(A) a. relating to redundancy and it is recommended permission is refused. An important, but secondary issue in this case relates to the fact that the building is not wind and watertight at present.

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. This is not a protected building therefore criterion d. of Policy GP16(A) is not applicable in this case.

Date: 04/06/2026

