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: Erect single storey outbuilding for ancillary living unit to north of property.

LOCATION: La Rocque, Route De La Hougue Du Pommier, Castel.

APPLICANT: Mr B Chandler

I refer to the application referred to below received as valid on 17/07/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/09/2026

Drawing Nos: A7 Architecture Limited - 18-1001-P2 PD/01B, 02B.

Application Ref: FULL/2026/1134

Property Ref: D017720000

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 building proposed, by virtue of its scale, siting and design, along with the proposed independent nature of occupation and use is tantamount to the erection of a new dwelling which would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13 and by extension Policy OC1 which precludes new build housing Outside of the Centres.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2026/1134
Property Ref:	D017720000
Valid date:	17/07/2026
Location:	La Rocque Route De La Hougue Du Pommier Castel Guernsey GY5 7FG
Proposal:	Erect single storey outbuilding for ancillary living unit to north of property.
Applicant:	Mr B Chandler

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The building proposed, by virtue of its scale, siting and design, along with the proposed independent nature of occupation and use is tantamount to the erection of a new dwelling which would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13 and by extension Policy OC1 which precludes new build housing Outside of the Centres.

OFFICER'S REPORT

Site Description:

The property known as 'La Rocque' is a mid-20th century one and a half storey dwelling which faces east onto Route de la Hougue du Pommier. Rue des Francais runs along the north boundary with an open field beyond, an open field across the road to the east, and detached neighbouring properties and open land to the south and west. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a single storey building to be used as an ancillary living unit (ALU) to the north of the property.

Initially the proposed unit was over 70sqm and had two bedrooms. The application was deferred to reduce the size of the outbuilding and amended drawings were submitted showing a unit of 54sqm and one bedroom.

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

Ancillary Living Unit Advice Note (AN1).

Representations:

None.

Consultations:

Guernsey Museums & Galleries
'*It would appear that the proposed development site has not been previously disturbed to any great extent. A programme of archaeological survey in the form of field walks were completed immediately north and east of the site. These investigations uncovered artefacts dating from the prehistoric to the post-medieval periods. In addition, prehistoric artefacts were located during the 19th century within 100 metres of the area of interest. Therefore, I would be grateful if you could place an informative notice on this application, to the effect that the developers should contact us if anything of interest is uncovered*.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application is for an ancillary living unit (ALU). In principle, constructing a domestic outbuilding containing ancillary and incidental accommodation associated with La Rocque is acceptable, however, it should be well related to the main dwelling.

The accommodation is described as providing an annex but the submission highlights that nothing will be required to be shared with the main house. Within the Ancillary Living Unit Advice Note ancillary living accommodation is defined as:

"…a building, or part of a building, for residential purposes" which "is used, or is intended to be used, as living accommodation, to be occupied only by a person(s) who is allowed access to the principal dwelling and its facilities, without limitation" (Building (Guernsey) Regulations). This for example could be a live-in carer of an occupier of the principal dwelling or a relative of an occupier of the principal dwelling. For clarity, an ancillary or associated living accommodation unit may be self-contained but cannot be occupied as a separate dwelling independent from the principal dwelling. It is secondary accommodation to the existing dwelling.

A main issue when dealing with proposals for ancillary or associated living accommodation is whether the accommodation to be provided will be incidental or subordinate to the occupation of the principal dwelling. The Advice Note also highlights key points to assist in the assessment of whether accommodation would be ancillary/associated to the principal dwelling:

- Relationship between occupiers of the ancillary living accommodation and principal dwelling – the accommodation is to be occupied by a family member
- Physical relationship between the ancillary accommodation and principal dwelling – the proposed building would be situated to the north of the main house but with its own independent entrance door and fenestration facing south looks towards the north elevation of the main dwelling which only has a guest bedroom window, a fence separates the parking to the east side and the garden to the west. As proposed therefore, the building does not have good connectivity or intervisibility between fenestration for the main house and ancillary accommodation.
- Shared vehicle access – this has been confirmed as shared.
- Separate utility supplies - joint utility have been confirmed.
- Shared facilities with the principal dwelling – garden and parking only.

Policy GP13 highlights that dower units will be supported where the additional accommodation is "*demonstrably ancillary and well-related to the existing dwelling*". As ancillary living units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied.

The proposed accommodation would have a total internal floorspace of 54sqm which has been reduced from over 70sqm. When considering the minimum accommodation sizes for dwellings and flats 54sqm could technically be sufficient for a dwelling occupied by 4 persons. It would be sufficient in size therefore, to have all the facilities found in a self-contained unit of accommodation. The building would be of a size that could easily provide the level of accommodation required for day to day living as a separate residential unit which would require different policy considerations and formation of a

separate unit of residential accommodation would be precluded in an Out of the Centres location such as this.

The minimum accommodation size for a two-person dwelling would be 35sqm (one person = 30sqm). The combination of the size and nature of the proposed use of the ALU proposed along with its siting and design give the impression that the building would form a separate planning unit and is more akin to the erection of an independent new build dwelling, which would be precluded under Policy OC1 (Housing Outside of the Centres). The issue in this case is that subordination is not simply about size but rather whether the smaller unit remains functionally part of the principal dwelling. The proposed accommodation will have its own kitchen, bathroom, living room, and is clearly capable of being occupied and operated independently of the existing dwelling. The ALU shown on the submitted plans results in a degree of physical separation not integration as expected with ancillary living accommodation units. As a result, the proposal does not demonstrably constitute householder development ancillary to an existing dwelling and does not accord with Policy GP13.

Notwithstanding the above, the proposed development would not result in overshadowing or overlooking to neighbouring properties and would offer a good level of amenities for future occupiers.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

In view of the size, siting and design and the independent nature of the accommodation it is recommended that the application is refused.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 15/09/2026