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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: Change of Use from hotel to restaurant (Use Class 15), lodging house (Use Class 6) and house (Use Class 1) (retrospective).

LOCATION: The Deerhound Inn, Le Bourg, Forest.

APPLICANT: The Deerhound Inn Limited

I refer to the application referred to below received as valid on 22/09/2011 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/12/2011

Application Ref: FULL/2011/2771

Property Ref: H002210000-P20

The Department 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 change of use of an hotel to a lodging house would result in the loss of visitor accommodation and would prejudice the retention of an adequate stock of visitor accommodation in the Island, contrary to the requirements of Policy RE12 of the adopted Rural Area Plan.

2. Conversion or re-use of the premises to an alternative use must satisfy the criteria of Policy RCE14, and in particular would require to demonstrate that the building is no longer useful, or capable of being used for its authorised use. In this case the policy criterion is not met.

OTHER REMARKS:-

The Environment Department requests that the unauthorised use of this property as lodging house, house and restaurant is ceased, and the property is returned to its authorised use as an hotel (which may include ancillary uses such as a restaurant and/or bar) within 28 days of the date of this decision.

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 on the merits against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal, which is independent of the States of Guernsey. 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 Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made

In reaching this decision the Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES
Director of Planning Control Services

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No: FULL/2011/2771
Property Ref: H002210000-P20
Valid date: 22/09/2011
Location: The Deerhound Inn Le Bourg Forest Guernsey GY8 0AN
Proposal: Change of Use from hotel to restaurant (Use Class 15), lodging house (Use Class 6) and house (Use Class 1) (retrospective).
Applicant: The Deerhound Inn Limited

RECOMMENDATION - Refusal

REASONS FOR REFUSAL

1. The proposed change of use of an hotel to a lodging house would result in the loss of visitor accommodation and would prejudice the retention of an adequate stock of visitor accommodation in the Island, contrary to the requirements of Policy RE12 of the adopted Rural Area Plan.

2. Conversion or re-use of the premises to an alternative use must satisfy the criteria of Policy RCE14, and in particular would require to demonstrate that the building is no longer useful, or capable of being used for its authorised use. In this case the policy criterion is not met.

INFORMATIVES

The Environment Department requests that the unauthorised use of this property as lodging house, house and restaurant is ceased, and the property is returned to its authorised use as an hotel (which may include ancillary uses such as a restaurant and/or bar) within 28 days of the date of this decision.

OFFICER'S REPORT

Site Description:

The application relates to the Deerhound Inn, on the south side of Le Bourg, Forest.

Relevant History:

None relevant.

Existing Use(s):

Authorised use is as an Hotel.

Brief Description of Development:

This application, which is in retrospect, is to change the use of the premises from an hotel to a restaurant with staff accommodation.

The application drawings indicate three main components;

- restaurant, to comprise most of the ground floor
- lodging house, most of the first and second floors, and a rear extension
- house, to comprise the western end of the property on three levels.

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

Rural Area Plan:-
RE12 – Visitor accommodation
RCE14 – Conversion and re-use of buildings

Representations:

2 letters of representation from neighbours. Proposal will be detrimental to the surrounding residential area. Concerned that there are too many lodging houses in the area with the Manor Hotel and Happy Landings nearby, also the lodging house next to Forest School. Airport workers are going to be housed in Forest. Forest parish is already overpopulated. The Deerhound was a very good tourist inn, will be missed by the tourist trade.

Consultations:

Commerce and Employment Department

The Commerce and Employment Department commented on the application as follows:

- The site to which this application relates is located in an undesignated zone in the Rural Area.
- It is located within easy access to the south coast cliffs, and although not adjacent to a good tourist beach, is within easy access to high quality beach facilities at Petit Bôt.
- Although the property does not benefit from spectacular views, the outlook, particularly to the rear of the property is attractive, facing towards the upper reaches of Petit Bôt valley.
- Although there are some neighbouring properties, the immediate surroundings are good.
- Access to the site is excellent, being located on the main road from St Peter Port to the Airport. However, this does result in some traffic noise which is detrimental to the overall ambience of the site.
- The site is also located close to the Airport, and while this is convenient, particularly for shorter stay business visitors, there may from time to time also be some noise and disturbance from this source.
- There is excellent access from the site to areas of visitor interest, principally Petit Bôt Valley, and its associated cliff landscapes, as well as other cliff areas, for example at Le Gouffre and Icart.
- It is also close to the Occupation Museum, which is an important local heritage-based visitor attraction, and overall the location would provide a good base for a holiday based on recreational walking and/or cycling.
- There is also a choice of catering and retail facilities in the near vicinity.

- Although originally operating as a guest house, the property now consists of a popular and busy pub/restaurant and eight bedrooms, accommodating a maximum of 15 guests.
- Nationwide, the tourism market has seen an upward trend in interest in the smaller inn/guest house style of visitor accommodation, resulting in a high level of demand from prospective visitors.
- In addition, it is important for the visitor economy to maintain a diversity of accommodation at various grades to appeal to a range of leisure and business staying visitors.
- Although covered by a boarding permit, the premises have not been operated as visitor accommodation since 2007.

The Commerce and Employment Department is of the view that the location and site of the property that is the subject of this application are of significant value to the Island's visitor economy and form the basis of a tourism and leisure facility that meets the aspirations of current and future visitors to the Island. The quantity of accommodation on the site is somewhat limited, resulting in the premises coming effectively within the category of a "restaurant with rooms", or inn, but both of these categories are features of the developing tourism market in the UK.

Given this, the Department is of the view that the site could effectively continue to play a small but significant role in the future of the visitor industry in Guernsey and adds to the variety of visitor accommodation available in the Island.

The Department considers therefore that its loss would prejudice the retention of adequate stock of visitor accommodation in the Island and cannot support the application.

Summary of Issues:

Loss of visitor accommodation, conversion and re-use of building.

Assessment against:

1 - Purposes of the law.
2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.
3 - General material considerations set out in the General Provisions Ordinance.
4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The property is recognised and authorised as an hotel. The use includes a restaurant and bar on the ground floor and rooms above.

Changes of use of visitor accommodation are only permitted in certain and specific circumstances.

Rural Area Plan policy RE12 states;
"The change of use or redevelopment of visitor accommodation to other uses will only be permitted where it would not prejudice the retention of an adequate stock of visitor accommodation across the Island and where:
a) the existing premises provide an unsatisfactory standard of accommodation and facilities and are incapable of being upgraded or otherwise adapted to a satisfactory standard or, changed to an alternative visitor accommodation use at reasonable

expense, having regard to the location, immediate surroundings and size of the establishment; or
b) the premises are currently of an inappropriate size for a modern, viable operation and are not readily capable of being suitably adapted or re-sized."

The Commerce and Employment Department has commented on the application and has stated that it considers that the loss of this property would prejudice the retention of adequate stock of visitor accommodation in the Island and it cannot support the application.

The Commerce and Employment Department advises that the location and site of the property that is the subject of this application are of significant value to the Island's visitor economy and form the basis of a tourism and leisure facility that meets the aspirations of current and future visitors to the Island. The quantity of accommodation on the site is somewhat limited, resulting in the premises coming effectively within the category of a "restaurant with rooms", or inn, but both of these categories are features of the developing tourism market in the UK.

The proposal would result in the loss of visitor accommodation and does not satisfy the criteria of Policy RE12 of the Rural Area Plan.

Conversion or re-use of the premises to an alternative use must satisfy the criteria of Policy RCE14, and in particular would require to demonstrate that the building is no longer useful, or capable of being used for its authorised use. Clearly this is not the case and the policy criterion is therefore not met.

The application is therefore recommended for refusal.

Furthermore, since the application is in retrospect, enforcement action may be required to ensure that the premises are restored to their authorised use.

Date: 19/12/2011