

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Convert and extend outbuilding into residential dwelling.

LOCATION: La Pomare Farm, Rue De La Pomare, St. Pierre Du Bois.

APPLICANT: Mr & Mrs P Taylor

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 22/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA18-10288-S1-02 & 03B, AA18-10288-S12-01.

Application Ref: FULL/2021/2022

Property Ref: F004640000+F004650000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect

unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No cladding shall be brought to the site until such time as written details and samples of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5. No occupation of the dwelling shall take place until such time as the parking facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To provide off-street parking, in the interests of road safety and effective traffic management.

Expiry Date: This permission will cease to have effect on 21/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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 grant planning permission subject to conditions (except a building condition), 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 Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel 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 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2022
Property Ref: F004640000+F004650000
Valid date: 29/09/2021
Location: La Pomare Farm Rue De La Pomare St. Pierre Du Bois
Guernsey GY7 9HH
Proposal: Convert and extend outbuilding into residential dwelling.
Applicant: Mr & Mrs P Taylor

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No cladding shall be brought to the site until such time as written details and samples of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5. No occupation of the dwelling shall take place until such time as the parking facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To provide off-street parking, in the interests of road safety and effective traffic management.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The site comprises a building group set to the north of Rue de la Pomare in St Pierre du Bois, known as La Pomare Farm. The group includes the main farmhouse, incorporating a self-catering unit at first floor level in the attached barn, a detached self-catering unit to the east and the detached outbuilding which forms the subject of this application, located to the west of the group.

The outbuilding comprises a single storey structure of granite construction with pantile roof and is located within the domestic curtilage of the farm. Consent was granted to extend that curtilage to include the former quarry and land immediately to the west of the outbuilding on 29/03/17. That consent has been implemented.

The field to the north-west of the outbuilding originally formed part of the same land ownership but now forms part of the land ownership of the property to the west, known as Westhaven, and a change of use has been granted to incorporate that land within the curtilage of the adjacent property.

The site is located Outside of the Centres in the Island Development Plan, within an Agriculture Priority Area.

Relevant History:**F004640000/F004650000 (La Pomare Farm)**

03/11/15 PREA/2015/2613 Meeting to discuss conversion of barn.

08/04/16 FULL/2016/0264 Refusal to extend and convert outbuilding to a dwellinghouse.

29/03/17 FULL/2017/0239 Permit to extend domestic curtilage.

01/11/17 FULL/2017/2365 Permit to extend barn to provide additional storage.

PREA/2018/2124 Pre-application enquiry to convert barn/store into bedroom with ensuite and study.

22/02/19 FULL/2018/2870 Refusal to extend and convert outbuilding to a dwellinghouse.

13/12/19 PAP/010/2019 Appeal against the decision to refuse planning permission to extend and convert outbuilding to a dwellinghouse under ref FULL/2018/2870 dismissed.

PREA/2020/0043 Pre-application enquiry to extend and convert existing barn to create residential unit/dower unit.

FULL/2020/1195 Refusal to Convert and extend outbuilding into dwelling.

F00465A000/F00466A000 (Westhaven and field)

22/01/16 FULL/2015/2878 Permit to remove section of hedge and retaining wall to create access to agricultural land, form ramped access to field and erect fencing. Remove hedging and plant replacement hedging.

20/11/18 FULL/2018/1886 Permit for change of use from agricultural field to domestic garden.

Existing Use(s):

Barn ancillary to adjacent farmhouse

Brief Description of Development:

Permission is sought to convert and extend the existing barn to form a one-bedroom dwelling and provide associated parking.

The application follows the refusal of permission for a similar proposal on 20/04/2021 (FULL/2020/1195) for the following reasons:-

1. The application has failed to satisfactorily demonstrate that the existing building is no longer required or capable of being used for its current or last known purpose and the proposal would fail to meet the terms of part a) of Policy GP16(A) (Conversion of Redundant Buildings).

2. The existing building is not capable of conversion without significant extension and alteration. The proposal is therefore contrary to part c) of Policy GP16(A) (Conversion of Redundant Buildings).

The current application provides information and revisions to seek to overcome these reasons for refusal of the previous application.

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

OC1	Housing Outside of the Centres
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and communal car parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

One letter of representation raising objections on the following grounds:

- The existing planning policies do not support this application
- The previous history consists of three applications and one appeal, all of which have been refused which makes this the fourth attempt.
- The stables are an attractive feature of La Pomare Farm in what is regarded as a road of high-quality properties in a protected residential and rural area.
- There are already four vehicles parked at the property with an occasional overflow in the field in front and the possibility of one or more cars with the proposed development would not enhance the area.
- There is demand for smaller properties, but this stable is at the very minimum size; this will be a prelude if granted to a further application to enlarge it in the future on this unsuitable site.
- The house has already been split into a separate flat and a small barn conversion was renovated a few years ago; therefore, further development is overdevelopment and detrimental to the character of the area.

La Societe Guernesiaise comments as follows:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as large gardens, farmland or woodland nearby.

We would recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.’

Consultations:

None.

Summary of Issues:

Whether the current application satisfactorily overcomes the two reasons for refusal of the previous application, FULL/2020/1195, and whether the proposal consequently complies with the relevant policies of the Island Development Plan.

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 Spatial Policy of the Island Development Plan, expressed through Policy S1 (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 allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan.”*

This approach is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the Plan *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development

Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

Policy OC1 (Housing Outside of the Centres) however sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A) (Conversion of Redundant Buildings).

The application follows the refusal of permission for a similar proposal on 20/04/2021 (FULL/2020/1195) for the following reasons:-

1. The application has failed to satisfactorily demonstrate that the existing building is no longer required or capable of being used for its current or last known purpose and the proposal would fail to meet the terms of part a) of Policy GP16(A) (Conversion of Redundant Buildings), and
2. The existing building is not capable of conversion without significant extension and alteration. The proposal is therefore contrary to part c) of Policy GP16(A) (Conversion of Redundant Buildings).

As part of the previous consideration of similar proposals by the Authority and, in the case of application FULL/2018/2870 by the Tribunal on appeal, all other aspects of Policy GP16(A), and of all other relevant policies of the Island Development Plan have been found to be satisfied. Similar representations to those currently received have also been previously considered by the Authority and have been found to not justify the refusal of planning consent. An informative can be added to any grant of planning permission as requested by La Societe Guernesiaise.

The current application provides information and revisions to seek to overcome the two reasons for refusal of application FULL/2020/1195. The effect of this is assessed below.

1. The application has failed to satisfactorily demonstrate that the existing building is no longer required or capable of being used for its current or last known purpose and the proposal would fail to meet the terms of part a) of Policy GP16(A) (Conversion of Redundant Buildings).

The current application is supported by further information, including a detailed affidavit from the applicant, which address the previous concerns of the Authority that there appeared to be an ongoing requirement for the building in its current or last known use as domestic storage ancillary to La Pomare Farm. This information demonstrates that, contrary to the previous concerns, there are a number of options for secure storage at the property and it is concluded that it has now been satisfactorily demonstrated that the building is no longer required for its current or

last known use and the proposal therefore satisfies the provisions of criterion a) of Policy GP16(A).

2. The existing building is not capable of conversion without significant extension and alteration. The proposal is therefore contrary to part c) of Policy GP16(A) (Conversion of Redundant Buildings).

The current application includes amended plans and reduces the amount of work proposed to convert the building to form a dwelling, ensuring the retention of significantly more of the existing fabric of the building. It has previously been accepted that the building is of sound and substantial construction. Having regard to the previous assessment of application FULL/2020/1195, it is considered that the amendments incorporated within the current proposals are sufficient to demonstrate that the building is also capable of conversion without extensive alteration or rebuilding. The proposal therefore satisfies the provisions of criterion c) of Policy GP16(A).

Other matters

The application omits a timber fence which was previously proposed to demarcate the proposed parking area. It also includes allocated parking for a bicycle and an electric vehicle charging point. These further amendments are welcomed.

Conclusion

It is considered that the current application has, by virtue of the further information provided and the revisions made, satisfactorily overcome the previous reasons for refusal of application FULL/2020/1195 and that the proposal now complies with all of the relevant policies of the Island Development Plan. It is therefore recommended that the application be approved, subject to conditions.

Date: 22/11/2021

