

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 outbuilding to a dwelling.

LOCATION: Former Tropical Gardens, Les Rouvets, Rue De L'Arquet, St. Saviour.

APPLICANT: Mr P Strachan

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: 07/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2067 03.01D, 03.02 & 03.03A

Application Ref: FULL/2022/0343

Property Ref: E009340000

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.The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the approved plans and including the installation of bird boxes, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings; To address the requirements of the Strategy for Nature.

6.The western part of the building which forms the subject of this permission is approved for use as domestic storage ancillary and incidental to the dwellinghouse formed as part of this permission, and for no other purpose whatsoever, including for habitable residential purposes.

Reason - The use of the store for other purposes would require different policy considerations and the current submission notes that this section of the building is not capable for conversion for habitable residential accommodation.

Expiry Date: This permission will cease to have effect on 06/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the permission hereby granted does not confer any consent whatsoever for alterations to the surfacing of the track between the road and the domestic curtilage hereby approved. Any such alterations would have to form the subject of a separate application for planning permission.

The landscaping scheme provided is generally appropriate, however it is recommended that the detailed planting scheme be reviewed prior to implementation to ensure all plants are appropriate to this particular site. Any amendments to the approved plan should be agreed in writing by the Authority.

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/2022/0343
Property Ref: E009340000
Valid date: 16/03/2022
Location: Former Tropical Gardens Les Rouvets Rue De L'Arquet St.
Saviour Guernsey
Proposal: Convert outbuilding to a dwelling.
Applicant: Mr P Strachan

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. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the approved plans and including the installation of bird boxes, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings; To address the requirements of the Strategy for Nature.

6. The western part of the building which forms the subject of this permission is approved for use as domestic storage ancillary and incidental to the dwellinghouse formed as part of this permission, and for no other purpose whatsoever, including for habitable residential purposes.

Reason - The use of the store for other purposes would require different policy considerations and the current submission notes that this section of the building is not capable for conversion for habitable residential accommodation.

INFORMATIVES

For the avoidance of doubt, the permission hereby granted does not confer any consent whatsoever for alterations to the surfacing of the track between the road and the domestic curtilage hereby approved. Any such alterations would have to form the subject of a separate application for planning permission.

The landscaping scheme provided is generally appropriate, however it is recommended that the detailed planting scheme be reviewed prior to implementation to ensure all plants are appropriate to this particular site. Any amendments to the approved plan should be agreed in writing by the Authority.

OFFICER'S REPORT

Site Description:

The application site comprises the former Tropical Gardens, which closed in the 1990s. The Tropical Gardens were recognised as a horticultural use, for the growing of exotic plants, and the visiting members of the public were considered an ancillary function of that use. The site was never classified as an independent tourist use.

All glasshouses were cleared from the site in the 1990s and the site now comprises c2 acres of agricultural land with remaining associated buildings limited to those adjacent to the south boundary. Permission was granted in 2017 for the conversion of the former buildings in the north-east corner to a dwellinghouse, and subsequently in 2021 for the demolition of those buildings and construction of a dwellinghouse, and that part of the site now falls under separate ownership. Works are approaching completion on the implementation of that permission. The buildings to the south of the site are accessed via a long track across the agricultural land and comprise a single storey timber clad structure, which forms the subject of this application, and an open sided barn.

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

Relevant History:

07/06/21 FULL/2020/1468 Permission to demolish existing packing shed (north-east of site) and erect a replacement dwelling.

25/11/19 FULL/2018/3113 Refusal to demolish store and convert outbuilding which forms the subject of the current application into dwelling.

20/12/17 FULL/2017/2742 Permit to extend and alter packing shed in north-east corner of site to create new dwelling and change of use of horticultural land to domestic curtilage.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert the eastern end of the existing building to form a 1 bed dwellinghouse. The western end of the building would be retained as a domestic store. As part of the conversion the following works are proposed to the building:

- Installation of insulated timber frame wall to separate the proposed dwelling and retained store;
- Installation of 2no high level windows in north elevation (apertures exist internally in framing but are overclad externally);
- Installation of glazed bifold doors to replace existing doors to east elevation;
- Encapsulation of asbestos roof covering.

The existing timber wall and roof frame, timber featherboard cladding, asbestos roofing and concrete floor are stated to be retained. A vapour control layer will be added to the internal face of the stud frame, with insulation added between the studs and to the internal face. A raised, insulated floor will be laid over the existing slab, levelling the floor. A breathable membrane will be installed over the existing rafters and insulation added between and under those rafters.

The proposal includes the change of use of the land immediately surrounding the building, and including the western end of the building, to domestic use, including the creation of car parking. The domestic land would be separated from the open sided barn to the west by hedging and a break would be formed in the existing hedging between that barn and the agricultural land to the north to provide access. Timber fencing to the east boundary is stated to be removed and hedge planting undertaken along that boundary.

A covering letter has been submitted with the application making a number of points, the following of which are particularly pertinent:

- The repairs to the building were undertaken to maintain its status quo, a reasonable act;
- The building to the north-east of the site was established as redundant as part of the permission to convert that building in 2017, and the same principles apply in this case, namely the removal of the glasshouses has rendered the building redundant;
- The position that the building could continue to be used in association with agriculture at the site is a different test to that applied in respect of the building in the north-east of the site;
- This position reflects that taken by the Appeals Tribunal in respect of Rue Coutance;
- If the Authority do not agree, it is requested the issue is considered as a minor departure.

Following deferral, a Structural Report has been submitted from Plan B, written by a chartered engineer and dated 27/01/22. The Report focuses on the eastern section of the building and makes the following observations:

- External roof finish appears reasonable and functional, no signs of undue stress or sagging;
- Roof appears to be in good structural condition;
- All materials to walls appear in good condition, with no signs of settlement;

- Timber cladding and doors are good condition;
- Existing floor concrete of good condition, no signs of movement/cracking from the heavier loads received to date and the floor would be capable of the change of use proposed;
- Foundations not stated to be observed, however no sign of structural movement.

An updated report was provided following deferral 20/09/2022.

A Sustainability Statement, Landscape Scheme and a letter from an Agricultural Advisor have been provided.

A letter was received from Mr Stefan Yerby as part of the previous application dated 02/07/19, who works in the farming industry, confirming that the soil is poor, with limited topsoil, and the remains of the former glasshouses. The drainage was stated to be not ideal for growing, with the land often waterlogged and the access to the rear part of the site too narrow for agricultural vehicles. It was also noted that the existing building is too low for storage of agricultural machinery, and that it has no ventilation, water, light or drainage.

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

S1	Spatial Policy
S4	Outside of the Centres
OC1	Housing Outside of the Centres
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP15	Creation and extension of curtilage
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Strategy for Nature

Representations:

One letter of representation received, raising the following points:

- Sea Rocket, Sea Kale, Rock Samphire and Sea Holly are unlikely to thrive unless in a coastal setting;
- Campanula trachelium and C glomerata, Wood Sorrel and Wood Amemone are not native;
- Carduus crispus is not recorded by McClintock.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal complies with policy.

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).**

Site history and present use

As stated above, the application site is a former vinery site, known as the Tropical Gardens. The use of that site was horticultural and, subsequent to the cessation of the horticultural use and clearance of the glass in the 1990s, the land and remaining buildings have, in terms of planning law, reverted to agricultural use.

Aerial photograph regression shows that the building which forms the subject of the current application was constructed between 1963 and 1974, with the open barns immediately to the west constructed between 1974 and 1979. There is no file history relating to the construction of the buildings, or any subsequent alterations to them.

Representatives of the former Environment Department visited the site in 2013 and it was noted that repair works were being undertaken to the building at that time. The site photographs from that visit show that this involved the entire reconstruction of the side (north and south) walls of the building, including the frame and cladding. No further action was however taken against those works at that time, although a letter was sent to the owners of the land (the current applicants) to advise that the land and buildings were for agricultural purposes only. From the site visit associated with the current application, it is apparent that the west and east gables have also been reconstructed, and works have been undertaken to raise the roof structure at the western end of the building.

An application was made in 2018 (ref FULL/2018/3113) to convert the building to residential use, however that application was refused, on the basis that the building remained capable of and required for use in association with its last known purpose, and that the works required to facilitate the conversion were extensive.

At the time of the consideration of that application the building was in unauthorised use for the storage of personal vehicles. That use has now ceased.

Principle of residential development

The Spatial Strategy as identified within the Strategic Land Use Plan, approved 30th November 2011 (SLUP), is for development to be concentrated within and around the edges of the urban centres of St Peter Port and St Sampson/Vale, with some limited development within and around the edges of the other main parish or local centres to enable community growth and reinforcement of sustainable centres.

The Spatial Policy of the Island Development Plan, expressed through Policy S1 (Spatial Policy), reflects this approach, seeking 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 in these locations, states that proposals for new housing will not generally be supported in these areas.

Policy OC1 (Housing Outside of the Centres) sets out potential exceptions to this direction, stating that the creation of new dwellings 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).

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

This criterion formed one of the two reasons for refusal under the previous application for conversion, and the assessment under that application was as follows:

As stated above, the existing building was originally associated with the horticultural use at this site and that use ceased in the 1990s. The glasshouses have subsequently been cleared from the site and the authorised use of the land and remaining buildings has therefore reverted to agricultural, classified with Agricultural Use Class 28 in the Land Planning and Development (Use Classes) Ordinance, 2017.

Whilst it is not clear whether the building itself has been used for agricultural purposes subsequent to the clearance of the glass, substantial “repair” works have been undertaken to the building, both in 2013 and, as set out within the CBL Consulting report, over the last year. The works to upgrade the building would only have been acceptable for its ongoing authorised purpose, as a building ancillary to the agricultural use of the land. Given the recent nature and extent of these works, the conclusion can therefore only be that there is an ongoing requirement for the building in association with the authorised use of the land.

The agent states that the land at the site is now rented to a farmer for the grazing of cattle, and a letter has been provided from the farmer stating that the building is not suitable for livestock due to the lack of ventilation. Whilst this may be the case, there is no evidence that the building could not be used for storage associated with the ongoing agricultural use of the land.

On the basis of the recent works undertaken to upgrade the building, it cannot therefore be accepted that the building is no longer required, useful or reasonably capable of being used in association with the agricultural use of the land and the proposal does not meet the provisions of criterion a) of Policy GP16(A).

Whilst the points made above in respect of the previous refusal remain valid, at the Rue Coutance appeal hearing (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) in relation to the redundancy of a former packing shed, the Appeals Tribunal stated; *“It is a matter of fact that the horticultural use of the site ceased during the 1980s and that the appeal building, then used as a packing shed, became redundant as a consequence”*. The building which formed the subject of that application was associated with a similar extent of land as in the case of this application, and there were no other buildings at the site which could have been used in association with any ongoing agricultural use of the land. In that instance, it was not however evident that substantial repair works had been undertaken to the building.

Under the previous application it was however proposed to demolish the open sided barn to the west of the building to be converted. Whilst such demolition would be preferable in terms of the openness of the landscape, it’s retention under this application would provide for separate agricultural storage which, with some adaptation, could serve the remaining agricultural land, if required.

In light of the findings of the Appeals Tribunal in respect of Rue Coutance, and the retention of a separate building for agricultural use under the current application, it is found, on balance, that the building in this case is no longer required for its last known purpose, and conversion would comply with part a) of GP16(A).

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or

provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

In respect of the first part of this criterion, as part of the assessment of the previous application for conversion, it was accepted that the building would be of adequate construction to support the continuing use of the building for its last known purpose and this conclusion is supported by the Structural Report submitted in respect of the current application.

In terms of the second part of this criterion, the preceding text to Policy GP16(A) states:

Conversion is defined for the purposes of this policy as: 'development that involves works to an existing building that would facilitate an alternative use (e.g. conversion of a barn to a dwelling).' However, proposals that would require significant works to the fabric of the structure, such as rebuilding of external walls, may be regarded as being 'new-build' rather than conversion. (paragraph 19.17.3)

Proposals must demonstrate that the existing building is capable of conversion without extensive rebuilding. Where alteration or rebuilding of some structural elements is proposed, the acceptability of the extent of works will be assessed in relation to the overall scale of the conversion as well as any impacts or environmental benefits that would result, such as improved design and appearance or increased sustainability through, for example, increased thermal efficiency. Conversions that would involve major re-building works may, depending on the scale and nature of works proposed, be considered to be 'new-build' and assessed against the relevant policies of the Island Development Plan. (paragraph 19.17.7)

In terms of the extent of alterations required to support a proposed conversion, in deciding the Rue Coutance appeal the Tribunal considered it appropriate to distinguish between three distinct categories of building work that have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use.

The assessment of the previous application found that, overall, the work required to support the conversion would be considered to comprise extensive alteration, which would be tantamount to re-construction of the building and this formed the second reason for refusal.

The current application however reduces both the scale of the conversion for habitable purposes and the extent of works proposed to facilitate that conversion. The works proposed as part of the current application are summarised under the Brief Description of Development above.

The works which were undertaken to the building to upgrade its structural capacity during the course of consideration of the previous application were primarily focussed on the western section of the building, and would not therefore be included in the conversion of the eastern end now proposed.

Under the current application, the envelope of the building is to be retained, with the roof finish encapsulated. An insulated studwork wall would be installed to separate the habitable and non-habitable floor spaces. The foundations have now been inspected and the Structural Report finds that these are adequate. The floor levels within the building will be levelled as part of the works to upgrade the floor. The Structural Report states that the existing roof structure is totally fit for purpose without structural alteration. This does not confirm that the structure is capable of supporting the additional loadings associated with the installation of insulation and ceilings, however the addition of timbers to strengthen the structure and/or alter the spacings of rafters/purlins would not, in the context of the extent of works now proposed, amount to extensive work.

The works to upgrade the building to meet Building Regulations appear to be limited to the installation of breathable membrane and insulation to the roof, floor, and walls. The application demonstrates that the necessary membranes can be inserted without the need for removing the external finishes of the building. In determining the previously cited appeal, the Tribunal concluded that these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works proposed to facilitate the conversion, these would be limited to the installation of folding fully glazed doors within the existing aperture in the east gable and two high level windows in the north elevation, which are stated to be existing within the internal framework but overclad externally. Whilst it is noted that there may be requirements under the Building Regulations to enlarge the window to the bedroom and/or install a window to the kitchen, were these elements included in the current application it is unlikely they would significantly alter the extent of work proposed. With regard to the internal fittings, the creation of new room arrangements (excluding the dividing wall between the habitable area and the store) and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

No works are proposed to facilitate the conversion of the western end of the building for the purposes of ancillary domestic storage, and those works which have been undertaken previously to that end of the building would not amount to extensive works in isolation.

Overall, the work required to support the revised conversion would not amount to extensive alteration, and the proposal put forward under this application would comply with this criterion. It should however be noted that the conversion to habitable residential use relates to the eastern end of the building only, as the agent states this end is in better structural condition than the west end. It has not therefore been demonstrated that the western end of the building is capable of conversion to habitable residential use and the decision should be conditioned to ensure the use of that section remains for domestic storage only.

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The building at the application site is not a protected building. Whilst there are protected buildings along the Rue de L'Arquet to the north, these are set away from the application site and the current proposal would have no impact on the setting of those buildings.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is not of particular character, being of utilitarian appearance. The proposed works would not alter the scale, bulk, form or materials of the existing building, and would not significantly alter the overall appearance.

The building is set well back from the surrounding highways and, screened from public view, does not make any contribution to the character of the area.

The proposals would not therefore have a significant impact on the contribution the building makes to the character and appearance of the area.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The creation of curtilage associated with the conversion would also fall to be considered under Policy GP15 (Creation and extension of curtilage). In addition, Policy GP1 is relevant in relation to the impact on open and undeveloped land, and the Strategy for Nature in respect of contributions to biodiversity.

Policy GP15 states that a proposal to create or extend curtilage will be supported subject to a number of criteria.

The building which forms the subject of this application, and therefore the curtilage proposed to be associated with the new dwelling, would be located centrally amid a large area of open land, set away from the Rue de L'Arquet to the north-west. The

curtilage would however comprise a relatively modest area of land. Furthermore, as stated above, the site is well screened in public views and supplementary planting is proposed along the boundaries of the proposed curtilage. The proposal would not therefore impact on the openness of the area in public views.

The proposed hedge planting along the north-west boundary of the curtilage would reinforce the existing line of planting and would effectively delineate the curtilage, preventing further encroachment into the open land and any associated domestic paraphernalia would be of limited visual impact, enclosed within the enhanced boundaries. The application also proposes the removal of unauthorised fencing to the east of the site, and the associated access track, and replacement with hedging, which would comprise a positive enhancement. The proposed planting scheme is generally of an appropriate nature, which would enhance biodiversity value, however it is suggested that the detailed planting scheme be reviewed to ensure it is appropriate to this particular site (for example the use of species more generally found in coastal locations may not be appropriate at this site).

Limited evidence has been provided to demonstrate that the land could not positively contribute to the agricultural use of the surrounding land, with the letter from the Agricultural Advisor covering a number of points, but with little in depth analysis of potential agricultural use of the site or adjoining land.

It is however noted that there are notable changes in level immediately adjacent to the west, south and east boundaries of the proposed curtilage, effectively preventing use of the site in association with that land.

The site has however historically been associated with the land to the north, located between the site and the Rue De L'Arquet, and falling within the same ownership. The proposed curtilage is however separated from that land by a planting belt and, whilst the site could conceivably be used in association with that land, the peripheral location of the site relative to that land and the size of the remaining parcel of land would not preclude the ongoing agricultural use of that land. The agent also notes that all services are, or can be, provided along the existing track and would not impact on the agricultural land.

In addition to the above, the reports provided by the structural engineers in respect of both the current and previous applications at this site identify that there is rock near the ground surface in this area, which would be likely to inhibit agricultural use of the land.

In light of the above, the proposed creation of curtilage would not have a significant impact on openness or the commercial agricultural use of an Agriculture Priority Area. The property is not located within or adjacent to an Area of Biodiversity Importance and the proposal includes the removal of only a very small section of boundary treatment, to retain access to the open sided barn. On balance therefore, the proposed creation of curtilage would therefore meet the requirements of

Policies GP1 and GP15, subject to a condition requiring the implementation of the landscaping scheme.

The impact on the amenity of the neighbouring property is addressed below.

The new dwelling would be accessed over an existing track, which provides access to Les Rouvets House to the north of the site and the approved new dwelling in the north-east corner, before running across the site to the buildings which form the subject of this application. The existing track comprises hardcore/gravel. It does not appear that any alterations are proposed to the track as part of this application and it would be adequate to serve the existing dwelling as is. Any resurfacing of the track in a more formal material would require a separate application for planning permission, and would have to be carefully considered in respect of the impacts on the rural character of the area. On the same basis, the provision of any new track to serve the retained agricultural building would need to be carefully considered.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

No extension is proposed to the building as part of the conversion.

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The proposed dwelling and associated curtilage would be bounded by agricultural land in all directions. The nearest residential properties and associated domestic curtilages, including the new dwelling under construction at the site, are set away from the application site and would not be impacted upon by the proposals.

Other matters

Residential amenity and parking provision

The converted building would provide an appropriate level of accommodation for a one bed dwelling. The size and quality of the outdoor space would be good and there would be an attractive outlook from the dwelling. Whilst fenestration is limited, it is designed to serve the key habitable areas. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

The proposed parking provision is appropriate for the size and type of dwelling proposed, in accordance with the requirements of Policy IP7, although no secure cycle storage is identified it is noted this could be provided within the large store to be retained.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation and the accommodation is provided over a single level, in accordance with the requirements of Policy GP8.

Confirmation has also 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. Details of the proposed permeable paving should however be required by condition.

Conclusion

Overall it is considered that the revised proposal put forward under this application addresses the previous reasons for refusal, and would accord with the purposes of the Law, material considerations and relevant planning policies.

Consequently it is recommended that the application be approved, subject to the conditions set out above.

Date: 27/01/2023

