

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: Subdivide dwelling and change of use of self-catering units to create 5 dwellings, erect 1½ storey extension to east elevation, demolish and rebuild chimneys, internal and fenestration alterations, demolish outbuilding B (Protected Building).

LOCATION: La Brigade Farm, La Brigade, St. Andrew.

APPLICANT: Messenger West Ltd

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: 22/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP 3113 SK- 01B, 02C, 03B, 04A & 05B & SC-01A.
Mumford & Wood Conservation Box Sash Window Standard
Specification: Frame Cill Detail, Standard Specification, Frame
Head Detail.

Application Ref: FULL/2022/0615

Property Ref: K005570000

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. Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement doors and windows shall be submitted for the written agreement of the Authority. The work shall be carried out only in accordance with the approved details.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

5. Prior to installation, the location and appearance of all new vents and extractors shall be agreed in writing by the Authority. The work shall be carried out only in accordance with the approved details.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

6. All leadwork shall be installed in accordance with LSA instructions.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

7. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

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

Expiry Date: This permission will cease to have effect on 21/08/2025 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 building may be used by bats or other wildlife for roosting and nesting. It is advised that measures may therefore need to be taken (including a preliminary survey, 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 survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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/2022/0615
Property Ref: K005570000
Valid date: 07/04/2022
Location: La Brigade Farm La Brigade St. Andrew Guernsey GY6 8RQ
Proposal: Subdivide dwelling and change of use of self-catering units to create 5 dwellings, erect 1½ storey extension to east elevation, demolish and rebuild chimneys, internal and fenestration alterations, demolish outbuilding B (Protected Building).
Applicant: Messenger West Ltd

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. Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections)

of all new and replacement doors and windows shall be submitted for the written agreement of the Authority. The work shall be carried out only in accordance with the approved details.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

5. Prior to installation, the location and appearance of all new vents and extractors shall be agreed in writing by the Authority. The work shall be carried out only in accordance with the approved details.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

6. All leadwork shall be installed in accordance with LSA instructions.

Reason - To ensure that the proposals do not have any adverse impact on the special interest of the Protected Building.

7. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

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

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 building may be used by bats or other wildlife for roosting and nesting. It is advised that measures may therefore need to be taken (including a preliminary survey, 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 survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

OFFICER'S REPORT

Brief Description of the site:

The site is situated Outside of the Centres and within an Agriculture Priority Area (APA).

The whole of the exterior of the main building and barn together with the roof structure and machinery of the south part of the west wing are protected. The single

storey east extension, the rest of the interior of the main house and barn, other outbuildings and the pigsties are not protected.

The original proposal was to subdivide the dwelling and change of use of self-catering units to create 5 dwellings, change of use of agricultural land to domestic garden (92sqm). Erect 1½ storey extension to east elevation, demolish and rebuild chimneys and internal and fenestration alterations (Protected Building). A biodiversity enhancement statement prepared by Environment Guernsey Limited was submitted in support of the application.

The application has been amended during consideration and the proposal revised to:-

- Omit the originally proposed extension of curtilage
- Retain and repair existing windows W02-08, W26-34, W35 & W37
- Clarify future intentions regarding existing outbuildings at the site, including that outbuilding B will be demolished

The description of development has been amended accordingly.

Relevant History:

FULL/2021/1160 - Change of use of one unit of self-catering tourist accommodation (Use Class 8) to part of existing residential dwelling (Use Class 1) (Protected Building).
Granted 11/08/2021

06/03/95 - Refusal for change of use of two self-catering units to two residential units – units do not lend themselves to permanent residential use, having no separate curtilages and being closely related in physical and functional terms with adjoining guest house, within a complex given over to tourist use.

1982 - Permit for conversion of barns into two self-catering units, to be operated in conjunction with the guesthouse as one tourist entity.

1989 - Change of use of wing of guest house to further self-catering unit.

Existing Use(s):

Residential Use Class 1 – Dwelling house
Visitor Accommodation Use Class 8 – Non-serviced visitor accommodation
Agricultural use class 28 - Agricultural land

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

visual amenity acceptable

☒

no material neighbour impact

☒

within curtilage
design acceptable

x
x

traffic not affected

x

Comments from La Societe Guernesiaise

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats and nesting birds. 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 buildings be fully 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. We would also recommend that measures to support roosting bats and nesting birds be included within the development proposals.

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 building may be used by bats or other wildlife for roosting and nesting. It is advised that measures may therefore need to be taken (including a preliminary survey, 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 survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg.’

Policies considered most relevant:

Island Development Plan Policies:

OC8(C) – Visitor Accommodation Outside of the Centres – Change of Use

GP5 - Protected Buildings

GP15 – Creation and extension of curtilage

Change of Use of Visitor Accommodation Supplementary Planning Guidance (SPG)

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Change of use of visitor accommodation

Policy OC8(C) sets out specific criteria against which any proposal for the change of use of visitor accommodation to a non-visitor accommodation use will be assessed,

requiring it to be demonstrated that it is not technically feasible for the accommodation to meet the required standard for the particular type of accommodation involved, or where it is technically feasible, to demonstrate that it would not be possible to return a reasonable operating profit, and that the establishment has been actively and appropriately marketed for sale and lease for a period of 24 consecutive months and an appropriate offer has not been made.

Paragraph 17.7.12. in the preceding text to that policy states that this requirement will not apply to small self-catering units or guest accommodation establishments that are within a dwelling or the curtilage to a dwelling, and where the entire site is capable of being converted back to a single dwelling. Paragraph 3.4 to the Change of Use of Visitor Accommodation SPG clarifies that this exception applies to establishments with less than 3 self-catering units or less than 6 bedspaces.

In this case, however, the site is one where the Committee *for* Economic Development has advised that it raises no objection to the loss of these units given the minimal impact that this would have on the overall visitor accommodation sector. A Policy Letter including an exemption relating to the change of use from visitor accommodation on specified sites including this one to residential use within use classes 1 to 4 was approved by the States in December 2021. Change of use of one unit of self-catering tourist accommodation (Use Class 8) to part of existing residential dwelling (Use Class 1) was granted as a minor departure on 11/08/2021. In the light of these exceptional circumstances, it is considered that the loss of the visitor accommodation can be accepted as a minor departure in this instance.

Extension of domestic curtilage

As part of the proposals a small extension to domestic curtilage was originally proposed on the east boundary to include an area of agricultural land, which would be bounded by a new earthbank and hawthorn hedge. The biodiversity enhancement statement confirmed that the proposal would result in a small net ecological gain overall and that this benefit would continue to improve over time provided appropriate management of the bank and hedge continued. However, the site is within the APA and no information was submitted with the application to demonstrate that the land cannot positively contribute to the commercial agricultural use of the APA or cannot practicably be used for commercial agriculture within the APA without adverse environmental impacts, in accordance with Policy GP15 c). Following deferral of the application, the proposed extension of curtilage has been omitted from the proposals.

Design and amenity

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

The proposal would respect the character of the area and represents good design. The proposed units offer a good standard of amenity in accordance with Policy GP8.

Due to the location of the site there would be no impact on the amenities of residential neighbours.

Policy IP7 relates to private car parking and off-road parking is proposed to serve each unit of accommodation. This is considered satisfactory in this Outside of Centres location having regard to Policy IP7 and the adopted Parking Standards SPG.

Effect on protected building

The main effect on the Protected Building arises from the proposed replacement of windows. As originally submitted, the proposal included replacement of windows throughout the property in timber. However, the existing timber sash windows on the north elevation (W02-08 & W26-34) and the timber casement windows of the east elevation of the western wing (W35, which in addition has decorative external hinges and latch, & W37) are of high value and make a positive contribution to special interest. Their replacement would have a major impact and a resultant large/very large effect on the overall special interest of the protected building (BS 7913:2013). The adverse effect is not outweighed by the reasonable aspirations of the owner.

Following deferral, the application has been amended to retain and repair these windows.

Replacement of the PVCu units (W09-18, W20-22, W35-50 & D7-8), which detract from the special interest, in timber as proposed is supported and would have a positive effect on overall special interest. A number of timber windows and doors exist on the rear and side elevations (D3, D4, W14, W21-22 & W52-54) which are relatively modern/have been altered and are of low value and therefore can be considered to be negative or neutral to the special interest of the protected building. Subject to agreement of details, their replacement in timber is appropriate. Replacement of W5 with doors and D5 with a window, both of low value, would have a moderate impact and a slight effect on overall special interest (BS 7913:2013). Both are reasonable aspirations that outweigh the harm to special interest.

Subject to conditions, replacement of the (non-protected) extension to the east gable, removal of the brick lean-to, rebuild of the chimneys, stripping of the slate roof and reinstating of those slates and alterations to parking/landscaping would all have a minimal adverse effect on the overall special interest and are reasonable aspirations which outweigh that harm. No objections are raised to these elements of the proposal.

Outbuilding B is a poor-quality modern addition to the building group, is not Protected and there is no objection to its demolition as proposed.

Conclusion

The proposals as amended would comply with the relevant policies of the Island Development Plan in relation of the effect on the Protected Building and in respect of design and amenity. The loss of visitor accommodation is justified in the exceptional circumstances of this case. It is therefore recommended that planning permission be granted in this case as a minor departure from Policy OC8(C).

Recommendation:

Grant with Conditions



Date: 22/08/2022

