

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 of 4 self catering units (Use class 8), 1 unit to be incorporated into existing dwelling and 3 units to dwellings (residential use class 1).

LOCATION: Les Buttes, Rue Des Raies, St. Pierre Du Bois.

APPLICANT: Mr M Ozanne

I refer to the application referred to below received as valid on 29/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/08/2022

Drawing Nos: Application Block Layout Plan and drawings entitled: Geranium Cottage Ground and 1st Floor Plans, Periwinkle and Honeysuckle Ground Floor Plan, Ground floor bedroom Periwinkle side extension, Periwinkle and Honeysuckle first floor and Marigold Cottage to be dower unit to main house.

Application Ref: FULL/2022/1031

Property Ref: F012430000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposal would result in the loss of four units of self-catering accommodation amounting to a total loss of 16 beds. The four units provide a mix of 3 and 4 star rated accommodation and clearly meet the appropriate quality standards and no evidence has been submitted as part of the application to demonstrate otherwise. The proposal therefore fails to comply with the criteria of Policy OC8(C) of the Island Development Plan.
2. The application details do not demonstrate that the units are not required or capable of being used for their current or last known purpose as self-catering accommodation, therefore the scheme is contrary to Policy GP16(A) criterion a) of the Island Development Plan as it has not been demonstrated that the buildings are redundant.

OTHER REMARKS:-**Right of appeal against planning decisions**

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1031
Property Ref: F012430000
Valid date: 29/04/2022
Location: Les Buttes Rue Des Raies St. Pierre Du Bois Guernsey GY7 9SF
Proposal: Change of use of 4 self catering units (Use class 8), 1 unit to be incorporated into existing dwelling and 3 units to dwellings (residential use class 1).
Applicant: Mr M Ozanne

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal would result in the loss of four units of self-catering accommodation amounting to a total loss of 16 beds. The four units provide a mix of 3 and 4 star rated accommodation and clearly meet the appropriate quality standards and no evidence has been submitted as part of the application to demonstrate otherwise. The proposal therefore fails to comply with the criteria of Policy OC8(C) of the Island Development Plan.
 2. The application details do not demonstrate that the units are not required or capable of being used for their current or last known purpose as self-catering accommodation, therefore the scheme is contrary to Policy GP16(A) criterion a) of the Island Development Plan as it has not been demonstrated that the buildings are redundant.
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OFFICER'S REPORT

Site Description:

Les Buttes is a substantial property to the west of Rue Des Raies. The site contains four units of self-catering accommodation.

Marigold Cottage - a subservient two-storey extension that exists to the south of the dwelling. There is a conservatory extension to the south of this and parking for a single car outside the west facing front door in the shared parking courtyard area. A garden/amenity area serving this cottage is to its south, east of Honeysuckle Cottage and with a granite wall to Les Raies de Haut and The Dower House to the east.

Periwinkle Cottage and Honeysuckle Cottage – are housed within a detached outbuilding to the south of the main house. This building has a granite exterior and timber multi-pane windows. Parking for this accommodation is to the north of the building. Amenity space to serve these cottages is to their south.

Geranium Cottage – to the west of the main house is a detached granite building with dark window and door frames and with conservatory to the north elevation. Parking associated with this cottage is to its north, between Geranium Cottage and an outbuilding. A lean-to store is attached to the south elevation of this cottage and a low fence to the north of the dwelling provides separation between the cottage amenity space and the main garden.

A barn/outbuilding with sunroom attached to the west elevation is situated adjacent to the north site boundary. Vehicular access to the site is in the northern boundary between Les Buttes and Geranium Cottage. Detached gardens/amenity space serving Les Buttes is situated across the shared courtyard parking area, west of all buildings on the site. The outer boundaries are landscaped. The boundary separating the amenity space from the courtyard is marked by a combination of hedgerow, a wall and pedestrian gate. A shed and greenhouse exist along the northern site boundary.

The site is located Outside of the Centres, within a Conservation Area and the Airport Public Safety Zone as designated in the Island Development Plan.

Relevant History:

PAPP/1992/2593 - Change of use of dwelling to self-catering holiday unit – granted

FULL/2019/1031 - Change of use of self-catering cottage to a unit of staff accommodation – granted

FULL/2021/1582 - Convert two visitor cottages into one visitor cottage (Use Class 8 - non-serviced visitor accommodation) – granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

08 visitor accommodation (self-catering)

Brief Description of Development:

The application proposes the change of use of the four units of self-catering accommodation into residential accommodation. Geranium Cottage, Periwinkle Cottage and Honeysuckle Cottage would become units of residential accommodation whilst Marigold Cottage would form part of Les Buttes.

The scheme proposes one three-bedroom dwelling (Honeysuckle Cottage) and two, two-bedroom dwellings (Geranium Cottage and Periwinkle Cottage).

The application submission sets out that the applicant wishes to retire from operating the self-catering business after 40 years following a period of ill health.

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

Island Development Plan policies:

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

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP16(A): Conversion of Redundant Buildings

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Visitor Accommodation Supplementary Planning Guidance (SPG), 2016

Parking Standards and Traffic Impact Assessment SPG, 2016

Representations:

None.

Consultations:

Tourism Quality Development - have received a request from Planning, which asks for our views in order that they can assess the application having regard to the potential for consideration of the proposal as a minor departure from the relevant planning policies.

Comments are being sought specifically on whether we would wish the units to be retained within the current Visitor Accommodation Use Class or would be content for a change of use away from that use class to be granted.

Mr Martin Ozanne has run Les Buttes self-catering in an exemplary manner for approximately 40 years now and Les Buttes has been maintained at a solid 3 and 4 star mixed grading. It has a current permit for 16 people. It is considered a well situated and well run self-catering site. Mr Ozanne wrote to the Committee on 9th March 2022 and explained that at nearly 80 years old with ill health, he was finding it difficult to manage the holiday cottages. He expressed the opinion that being such a small complex it would not be financially viable to employ others to manage the accommodation. A reply was sent which suggested that he contact Planning direct to get some advice.

Mr Ozanne has not submitted any evidence regarding any attempt to lease or sell the site in line with the relevant planning policy for change of use of visitor accommodation. The size of the site precludes it from qualifying to exit from the current use class.

Tourism Quality Development would therefore like the bedstock to be retained as visitor accommodation, as it is a good quality self-catering site comprised of 4 units of 3 and 4 star self-catering accommodation.

Tourism Quality Development would not be content for a change of use away from the current use class to be granted for Les Buttes and do not support the Change of Use request for a minor departure from the relevant planning policies.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and the future living environment of occupiers of the proposed development.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

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. of the IDP 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.

Tourism Quality Development acknowledge the difficulties experienced by the applicant but recognises that Les Buttes has been maintained as a 3/4 mixed grading accommodation with a permit for 16 people. It was noted through the consultation response that the application has not been accompanied by any information or

evidence to demonstrate that the site has been marketed for lease or sale as required by policy. The consultation response noted that the self-catering units do not meet the size parameters as set out in the Policy OC8(C) for small operations and concluded by stating they do not support a change of use as proposed.

Although the submission provides an explanation relating to ill health in relation to the change of use proposed, paragraph 3.2 of the Visitor Accommodation SPG (2016) and Policy OC8(c) identify the relevant criteria that need to be satisfied to allow for a change of use or redevelopment of existing visitor accommodation to non-visitor accommodation use.

Paragraph 4.1 of the SPG states that *“for both criteria ‘a’ and ‘b’ of the policies it will be necessary to submit evidence with a planning application to demonstrate that the establishment does not meet the standard for the type of visitor accommodation (as identified by any relevant States of Guernsey strategy for visitor accommodation) relating to the establishment.”*

The application relates to the change of use of all 4 units of self-catering accommodation. The self-catering units clearly meet the appropriate quality standards and no evidence has been submitted as part of the application to demonstrate otherwise. The proposal therefore fails to comply with Criterion (a) of Policy OC8(c).

Given the standard of accommodation provided at the site and that no deficiencies below the current required quality standards have been demonstrated, criterion (b) of Policy OC8(c) is not relevant.

Policy OC1 makes provision for new dwellings Outside of the Centres only through the subdivision of an existing dwelling or the conversion of a redundant building. This site would be assessed in relation to the policy requirements for redundant buildings which falls under Policy GP16(A) of the Island Development Plan. Criterion a) of Policy GP16(A) sets out that it must be demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The accommodation remains in active use and the application does not include any information to demonstrate that the buildings are not required for their last known purpose. In relation to Policy OC8(C) the buildings remain capable of being used for their intended purpose as self-catering accommodation. As a result, Policy GP16(A) would not be satisfied in this respect.

Although the proposals would satisfy policies GP8 Design, IP7 private and communal car parking and would have no impact on the amenities of surrounding neighbours through loss of light, overshadowing or privacy, the requirements of Policy OC8(C) have not been met in this case. Furthermore, there is no evidence that the accommodation is no longer required for visitor accommodation having regard to the requirements of Policy GP16(A) of the Island Development Plan. It is recommended therefore that the application is refused.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 15 August 2022

