

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 with associated parking and landscaping.

LOCATION: Ville Baudu Barn, La Ville Baudu, Vale.

APPLICANT: Mrs F Quevatre-Malcic

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: 10/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup drawing no's: 430_090 (P1), 100 (P1), 110, 200 & 300

Application Ref: FULL/2022/1511

Property Ref: C010770000

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 development, excluding demolition and site works, shall begin until details of the PV panels, air source heat pump and vehicle charge points have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until those features, and all other sustainable design features set out within the Design and Policy Statement dated July 2022, have been installed 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. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including a written specification for the laying of all areas of permeable hard surfacing;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature.

7. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 09/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) 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 by emailing 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/2022/1511
Property Ref: C010770000
Valid date: 20/07/2022
Location: Ville Baudu Barn La Ville Baudu Vale Guernsey
Proposal: Convert outbuilding to a dwelling with associated parking and landscaping.
Applicant: Mrs F Quevatre-Malcic

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 development, excluding demolition and site works, shall begin until details of the PV panels, air source heat pump and vehicle charge points have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until those features, and all other sustainable design features set out within

the Design and Policy Statement dated July 2022, have been installed 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. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including a written specification for the laying of all areas of permeable hard surfacing;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature.

7. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected accordingly prior to any building works.

Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) 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 by emailing info@societe.org.gg.

OFFICER'S REPORT

Site Description:

The application site is located to the north of La Ville Baudu, and comprises a large parcel of agricultural land extending to Rue de la Greve to the north and bounded by residential properties to the east and west. The south and west parts of the site formerly comprised a gravel quarry and are level and at a lower level than the land to the north and east. The site boundaries and an area in the centre of the site are well vegetated.

The building group which forms the subject of this application is located adjacent to La Ville Baudu, in the centre of the site, and is accessed from that road. The buildings comprise a linear two storey block built barn with asbestos roof, with single storey block and asbestos sheet cow shed to the east and pre-1900 stone structure to the south-west. The western part of the roof and first floor to the two storey building, including the structure of both elements, is missing. The roof and structure of the pre-1900 structure are also missing, and that structure is overgrown.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

Pre-application advice regarding residential development at the site.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert the linear barn to form a four bed dwellinghouse. The granite barn building to the south-west is described within the application as derelict and does not form part of the proposed works. Parking would be retained to the north-west of the building with amenity space to the north and south. The earth banking around the building would be re-formed to prevent the need for tanking and to provide a pathway around the perimeter of the building.

The following points are made in support of the application:

- The property was initially used as a gravel quarry, which ceased operations in about 1960, and later as an agricultural building for cows, which ceased in about 1996 and the building has not been used since that time;
- The access to the barn also serves the three adjoining fields;
- There is a hidden slurry pit to the rear of the barn, which will be utilised as a cess pit for the new dwelling;
- Vehicular charge points will be installed;
- SUDs paving systems and rainwater catchment devices will be installed;
- Localised mechanical ventilation and heat recovery systems will be used and a photovoltaic array will be installed in the south facing garden. An air or ground source heat pump could be incorporated.

Following deferral the following additional points are made:

- The agricultural land is now used for the grazing of up to three horses, however this does not require use of the existing building;
- Independent accesses exist to the remainder of the agricultural land.

A Structural Survey Report prepared by CBL Consulting June 2022 has been submitted in support of the application, and was expanded upon in January 2023 following deferral and clearance of vegetation from the exterior of the building.

Drawing from the Structural Survey Report and the proposal drawings, the following works are required to support conversion:

- Replacement of collapsed roof structure (western end of two storey barn);
- Replacement of first floor covering (excluding structure) to eastern end of two storey barn (western end to remain a void where floor structure has collapsed);
- Encapsulation of asbestos roof cladding;
- Installation of glazing to east single storey gable and window to two storey gable;
- Replacement of all windows/doors within existing apertures;
- Alteration to one aperture to north elevation to create door;
- Walls, roof and floors to be upgraded with insulation to achieve requirements of the Building Regulations;
- Render and paint externally.

A report of the fire in the building in 1997 from the Guernsey Press has been provided following deferral, confirming suspected arson, and a request to consider a minor departure in respect of the current condition of the building.

An updated landscape scheme was also provided following deferral.

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

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

Representations:

One letter received in support of the application, stating the development will improve an unsightly plot which forms an eyesore not commensurate with any other property in the Ville Baudu.

La Societe Guerneslaise comment as follows:

As this site has been derelict for a considerable amount of time, we would ask that consideration be given to the need for an independent ecological assessment for the proposal. This would evaluate the current nature conservation value of the buildings and the wider site, and determine the impacts of the development project on the current habitats, associated wildlife and the adjacent ABI (to the east).

We would particularly like to highlight that buildings of this type can be used by roosting bats and other wildlife such as breeding Barn Owls. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. There are also several flooded quarries in the local vicinity.

We would strongly recommend that the buildings be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

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

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) 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 by emailing info@societe.org.gg

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).**

Conversion of the existing building

Policy OC1 (Housing Outside of the Centres) provides for the creation of new dwellings Outside of the Centres where, inter alia, a proposal complies with the requirements of Policy GP16(A) (Conversion of Redundant Buildings). 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;

The submitted information states that the two storey part of the building was formerly used in association with the gravel quarrying at the site, which ceased in the 1960s. At that point the building was extended for use as a cow shed and storage. The use of the shed for cows is stated to have ceased in about 1996 and the buildings have not been used since that time. Whilst it is acknowledged that the land is used for the grazing of horses, the buildings themselves are not used or required in association with that use.

The buildings in their current condition are clearly no longer capable of being used.

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;

Whilst the submitted information indicates that the single storey structure and the walls of the two storey barn remain of sound and substantial construction, the latter section of the building has only a partial roof covering and no first floor. It could not therefore be said to be of sound and substantial construction and capable of continuing use. From the evidence submitted it however appears that the building was of sound and substantial construction prior to fire damage resulting from arson. Given that the building remains of predominantly sound and substantial construction, and that the areas of damage are not a result of inaction on the part of the property owner but resulting from circumstances outside of their control, it is recommended in this instance that the proposal be considered as a minor departure to Plan policy, under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

The pre-1900 granite structure to the south-west of the site is described in the submitted Design Statement as derelict, and does not form part of this application in itself. It is however noted that the north wall of that structure forms the southern wall of the two storey structure which is the subject of this application. The submitted evidence however confirms that that wall is of sound construction for the purposes of this application, and no alterations are proposed to it.

In terms of the extent of alterations required to support the proposed conversion, structural works required to upgrade the building would be limited to the replacement of the roof structure to the western end of the two storey barn, replacement of the upper section of the east gable of the cow shed and strengthening of the roof structure to the western end of the cow shed. It is stated that the asbestos roof could be retained, subject to the encapsulation of the roof sheeting.

The installation of insulation to the floor, roof and walls are 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 include the replacement of all existing windows and doors, the creation of a glazed gable within the single storey east gable and a new window within the two storey east gable and the alteration of one aperture to form a door, together with the encapsulation of the asbestos roof. With regard to the internal fittings, the creation of new room arrangements 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).

Overall, it is considered that the works required and proposed to convert the building do not cumulatively amount to extensive alteration of the building and the proposal would accord with criterion (c) of Policy GP16(A).

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. The only protected building in the immediate area is La Porte, c50m to the south-west of the application site. Given the distance between that building and the application site, and the presence of a non-listed barn between the site and the protected building, the proposed works would have no particular impact on the setting of that building.

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, and therefore this criterion does not apply.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. In this case, the proposed works comprise the reuse of an existing building and would not alter the scale, bulk, form or materials of the existing building, and would not significantly alter the overall appearance. Any impact on the character of the area resulting from the change of use in itself would therefore be negligible. The soft landscaping initially proposed was minimal and included the cutting back of vegetation along the roadside boundary, potentially opening the site to views from the adjacent road. Following deferral, the plans however have been amended to include the retention of the roadside planting, clearance of areas of unnecessary hardsurfacing and loose rock and increased levels of planting. To ensure the planting is appropriate to the particular area, details and implementation can be controlled by condition.

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 Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage).

The curtilage proposed to be associated with the new dwelling is limited in size, and located predominantly within the former quarry. The curtilage would not encroach on to the open agricultural land to the west or east and would not therefore have a significant impact on landscape character or openness.

The surrounding agricultural land benefits from independent access from the surrounding highways and the proposed change of use would not impact on the functionality of that land.

The application site is not located within or adjacent to an Area of Biodiversity Importance, or an Agriculture Priority Area, and no alterations are proposed to boundary treatments.

The amended plans detail retention of the existing roadside planting, clearance of existing areas of hardsurfacing and loose rock and new planting in accordance with the Strategy for Nature. Details and implementation of the landscaping can be controlled by condition.

In light of the above, provided there is no impact on the amenity of adjoining properties, addressed below, the proposed creation of curtilage would therefore meet the requirements of Policies GP1 and GP15 and criterion f) of Policy GP16(A).

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 to the north and west, and a strip of agricultural land would be retained to the east, with residential properties beyond in each direction. Further agricultural land is located across the road to the south, with a large domestic property located to the south-west. The dwellings and associated amenity areas on nearby residential properties are all 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 and the size and quality of the outdoor space would be acceptable. 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. The Parking Standards and Traffic Impact Assessment seeks provision of “secure covered cycle spaces”. Although secure cycle storage is identified it does not appear to be enclosed in this

case, however there is opportunity to provide this within the proposed curtilage and provision can be controlled by condition.

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 majority of 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. The submitted plans show the use of SUDs hardsurfacing and the inclusion of rainwater harvesting. The plans indicate possible location for photovoltaic panels and the Design and Policy Statement refers to other potential sustainable features, such as the installation of an Air Source Heat Pump and vehicle charge points, which are not reflected on the submitted plans. Full details of these features are not provided as part of the application however details and implementation can be controlled by condition.

Conclusion

The existing building, due to damage caused by arson, cannot currently be considered of sound and substantial construction. However, given that the majority of the building remains of sound and substantial construction, in these particular circumstances the proposal can be considered as a minor departure to plan policy.

In all other matters the amended proposals accord with the purpose of the Law, material considerations and relevant planning policies.

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

Date: 10/03/2023

