

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: Convert barn to create residential dwelling (Use Class 1) with associated parking and landscaping and remove section of wall to create vehicle access (Protected Building).

LOCATION: Le Grand Douit, La Grande Rue, St. Saviour.

APPLICANT: Mr C McClean, Mr A McCarthy & Miss K Innes

I refer to the application referred to below received as valid on 22/09/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/03/2023

Drawing Nos: Direct Architectural Solutions - 1402-SK-101A, 102A, 104A & 105.

Application Ref: FULL/2022/1730

Property Ref: E008600000

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 building is located Outside of the Centres where no new housing development is permitted under Policy OC1 unless it is through the conversion of an existing redundant building, which falls to be considered under Policy GP16(A). Information has not been submitted as requested to address the criteria of Policy GP16(A) and therefore the creation of a new residential unit Outside the Centres as proposed would be contrary to Policies OC1 and GP16(A) of the Island Development Plan.

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/2022/1730
Property Ref: E008600000
Valid date: 22/09/2022
Location: Le Grand Douit La Grande Rue St. Saviour Guernsey GY7 9PT
Proposal: Convert barn to create residential dwelling (Use Class 1) with associated parking and landscaping and remove section of wall to create vehicle access (Protected Building).
Applicant: Mr C McClean, Mr A McCarthy & Miss K Innes

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The building is located Outside of the Centres where no new housing development is permitted under Policy OC1 unless it is through the conversion of an existing redundant building, which falls to be considered under Policy GP16(A). Information has not been submitted as requested to address the criteria of Policy GP16(A) and therefore the creation of a new residential unit Outside the Centres as proposed would be contrary to Policies OC1 and GP16(A) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Le Grand Douit' is a protected building, the main 18th Century part of the house is set back from and faces north onto La Grande Rue, very close to the crossroads with Rue Perelle and Route des Rouvets. An earlier 15th Century wing protrudes forward so the gable is directly onto the road, with the front façade facing east.

There is a later one and a half storey extension to the east gable, with the outer gable facing directly onto Rue de la Girouette. The vehicular entrance is south of this and south of the drive is an original two storey barn, with the eastern external wall as part of the roadside boundary with Rue de la Girouette.

There are detached residential properties in each direction across the roads and directly to the west. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1720 – Demolish extension, erect single storey extension to the west side elevation, install glazed gable to north elevation and fenestration, internal alterations to north of outbuilding (Protected Building) – Approved December 2022.

FULL/2021/2256 - Replace roof, rebuild south gable wall, install 1st floor window, remedial work, internal and fenestration alterations to outbuilding (protected building) – Approved March 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to convert the southern half of the barn to create a separate residential dwelling (Use Class 1) with associated parking and landscaping and remove section of wall to create vehicle access to the new residential unit. The barn is a Protected Building.

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

OC1: Housing outside of the Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP16(A): Conversion of Redundant Buildings

Representations:**La Societe Guernesiaise**

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are significant bat populations in this particular part of the island and it is likely that locally important roosts are present, but at present the location of these remain unidentified.

We would recommend that the building, in particular the roofspace, 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 building 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

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse.

We would ask that the Planning Service consider this aspect in relation to the application. We would further request that, if this application is approved, an informative note be added to the Information Sheet as follows -

'Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible'.

Consultations:

None

Summary of Issues:

- Principle of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The building is located Outside of the Centres where no new housing development is permitted (Policy OC1) unless it is through the conversion of an existing redundant building, Policy GP16(A) providing the relevant gateway policy. This policy requires several criteria to be satisfied, in order for an application to be supported.

A letter of deferral was sent to the agent on the 26th January 2023, stating that justification in regard to Policy GP16(A) would need to be submitted, as well as a detailed structural survey.

The deferral letter also stated that the proposal to demolish a section of roadside boundary wall (southeast boundary) was unlikely to be supported because the wall is a traditional feature in the surrounding Conservation Area and its removal would have an adverse effect on the visual amenity of the surrounding Conservation Area.

On the 7th March a further email was sent to the agent requesting an update on the application. No correspondence has been received and there has been no communication from the agent with the Planning Service. With no additional information provided, the application must be assessed as originally submitted.

However, without any justification to satisfy the requirements of Policies OC1 and GP16(A), the creation of a new residential unit outside of the centres cannot be supported. The application as submitted therefore fails to satisfy the requirements of the above policies and is therefore recommended for refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Trees or Monuments or on SSS's.

Date: 27/03/2023