

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: Demolish existing and erect replacement ancillary outbuilding to west boundary (setting of a Protected Building).

LOCATION: Oak Farm, Route Des Sages, St. Pierre Du Bois.

APPLICANT: AJ Holdings Limited

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: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 5011 - 07.

Application Ref: FULL/2022/1838

Property Ref: F006520000

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 shall begin on site until a panel of the stone walls has been built on the site and both the materials and the colour and type of mortar for pointing have been agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

5.Prior to the installation of the roof, a sample of any new slates proposed to be used shall be submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the approved details.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

6.The extract fan for the shower room shall exit through the roof with a flush slate vent unless otherwise agreed in writing by the Authority.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

Expiry Date: This permission will cease to have effect on 20/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling or any use in

connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the building is inspected for current or recent use by bats by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. In addition, to minimise the impact of light pollution on wildlife it is recommended that external lighting is avoided or kept to a minimum. For further advice or to arrange a site visit it is recommended that you contact La Société Guernesiaise by email at 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/2022/1838
Property Ref: F006520000
Valid date: 09/09/2022
Location: Oak Farm Route Des Sages St. Pierre Du Bois Guernsey GY7 9DL
Proposal: Demolish existing and erect replacement ancillary outbuilding to west boundary (setting of a Protected Building).
Applicant: AJ Holdings Limited

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 shall begin on site until a panel of the stone walls has been built

on the site and both the materials and the colour and type of mortar for pointing have been agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

5. Prior to the installation of the roof, a sample of any new slates proposed to be used shall be submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the approved details.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

6. The extract fan for the shower room shall exit through the roof with a flush slate vent unless otherwise agreed in writing by the Authority.

Reason - In the interests of visual amenity and to preserve the special quality and appearance of the setting of the adjacent Protected Buildings.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling or any use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the building is inspected for current or recent use by bats by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. In addition, to minimise the impact of light pollution on wildlife it is recommended that external lighting is avoided or kept to a minimum.

For further advice or to arrange a site visit it is recommended that you contact La Société Guernesiaise by email at info@societe.org.gg.

OFFICER'S REPORT

Site Description:

Oak Farm consists of a traditional two storey granite farmhouse orientated gable end to the highway with a detached L-shaped outbuilding in the south-west corner of the site and which forms part of the western boundary of the property and creates a courtyard parking area between the outbuilding and the dwelling. The outbuilding takes the form of a traditional pitched roof barn and is constructed of granite walls, timber fenestration and a slate roof.

The exterior of the dwelling and three adjacent properties are protected buildings, the outbuilding is not a protected building. The site is within an Agriculture Priority Area and is Outside of the Centres as defined in the Island Development Plan.

Relevant History:

25/02/2022 – FULL/2020/1897 – Application withdrawn to demolish existing and erect replacement ancillary outbuilding to west boundary (setting of a protected building).

16/09/2015 – FULL/2015/1653 – Permission granted to demolish and rebuild existing outbuilding to provide ancillary accommodation (setting of protected building).

20/09/2012 – FULL/2012/2391 – Permission granted to demolish and rebuild existing outbuilding to provide ancillary accommodation.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish the existing outbuilding and to erect a replacement outbuilding in the south-west corner of the site for ancillary domestic use. The replacement outbuilding would be constructed on a similar footprint and would be of a similar design, proportions and materials to the existing building with some alterations to fenestration. The replacement outbuilding would be finished with granite walls, timber fenestration and a natural slate roof.

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

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Representations:

One letter on behalf of La Société Guernesiaise highlights that buildings of this type can be used by roosting bats especially when located within a variable landscape including farmland or woodlands nearby. La Société Guernesiaise recommend that the building, in particular the roofspace, is inspected for current or recent use by bats by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

La Société Guernesiaise also highlight the environmental impact of light pollution on wildlife such as birds, bats and insects, particularly when introduced into a landscape such as this where existing sources of artificial light are relatively sparse. La Société Guernesiaise advise that this part of the island has recently been shown to support a number of bat species and it is recommended that an informative note is included in the decision notice to encourage external lighting to be avoided or kept to a minimum.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The design and impact of the development on the appearance and character of the area and the setting of protected buildings.
2. The impact of the development on the amenity of people living in the area.

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).**

Permission was granted to demolish and rebuild the existing outbuilding in September 2012 (FULL/2012/2391) and September 2015 (FULL/2015/1653) under

the Rural Area Plan. The current proposal is similar to the previously approved scheme with the overall size, siting and design of the replacement outbuilding remaining the same with minor alterations to the fenestration.

The replacement outbuilding respects the setting and traditional character of the adjacent protected buildings and it has the potential to have a positive effect on the character and appearance of the area. To achieve this precise details of the type and appearance of the construction of the granite walls, details of the natural slate roof and managing the appearance of the shower extract would be required, these can be managed by condition. The proposal accords with Policies GP5 and GP13.

The replacement outbuilding includes 2 windows in the west elevation facing towards a neighbouring property but due to the proposed use of the outbuilding and the alignment of the windows with blank gable walls on the neighbouring property, the proposal would have no adverse effects on the amenities of neighbouring residents.

To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012 and to avoid or minimise external lighting.

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.

It is recommended that the application is approved.

Date: 21/02/2023

