

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 residential dwelling with associated landscaping and parking.

LOCATION: Former L'Essilerie Vinery, Rue Du Planel, Torteval.

APPLICANT: Mr & Mrs M C Elliott

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: 28/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: App: 2222/1A & /2A.

Application Ref: FULL/2022/2354

Property Ref: G00232B000

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 the commencement of any work in connection therewith a scheme showing the provision to be made for secure and covered cycle parking in the position highlighted as such on the approved plans shall be submitted to and agreed in writing by the Authority, and the dwelling hereby approved shall not be occupied until such storage has been fully implemented.

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

5.The landscaping scheme shall be fully completed, in accordance with the details shown on the approved plans, 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 help assimilate the development into its surroundings and in order to address the requirements of the Strategy for Nature.

6.The development hereby permitted shall be constructed in accordance with the details set out in the letter from Mrs J Elliott dated 01/02/2022 (section entitled Policy GP9: Sustainable Development) and in accordance with the details shown on the approved plans regarding an electrical vehicle charging points and solar panels, and there shall be no occupation of the dwelling until the solar panels and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

7.Notwithstanding the provisions of the Land Planning and Development (Exemptions)

Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than earth banks) shall be erected, constructed or placed along the south, west and north boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 27/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/2354
Property Ref: G00232B000
Valid date: 06/12/2022
Location: Former L'Essilerie Vinery Rue Du Planel Torteval Guernsey
Proposal: Convert outbuilding to residential dwelling with associated landscaping and parking.

Applicant: Mr & Mrs M C Elliott

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 the commencement of any work in connection therewith a scheme showing the provision to be made for secure and covered cycle parking in the position

highlighted as such on the approved plans shall be submitted to and agreed in writing by the Authority, and the dwelling hereby approved shall not be occupied until such storage has been fully implemented.

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

5. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved plans, 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.

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6. The development hereby permitted shall be constructed in accordance with the details set out in the letter from Mrs J Elliott dated 01/02/2022 (section entitled Policy GP9: Sustainable Development) and in accordance with the details shown on the approved plans regarding an electrical vehicle charging points and solar panels, and there shall be no occupation of the dwelling until the solar panels and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than earth banks) shall be erected, constructed or placed along the south, west and north boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

OFFICER'S REPORT

Site Description:

The site is accessed via an unmade track off Rue Du Planel where scattered and ribbon residential development exists. Glimpse views of the building that is the subject of this application are possible from the road, but the site does not benefit

from a road frontage. The glasshouses to the northwest of the building have been cleared.

The building itself is a single-storey pitched roof structure with blockwork band at ground level and timber frame internally. The timber frame is covered by corrugated sheeting which form the walls and roof of the building. Windows and doors are timber and various window frames show evidence of decay.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the conversion of a packing shed to a one bedroom dwelling. The glasshouses have been removed and the majority of the land would not be incorporated into the domestic garden of the dwelling. The existing external cladding is shown to be retained and the internal walls and new ceiling lined.

The existing doors in the north elevation is shown to be infilled, a new window inserted in the north elevation and the existing windows and door in the west elevation altered to accommodate the proposed internal layout.

The application as originally submitted has been accompanied by a Structural Report (visual inspection) which sets out that the foundations and walls appear to be sound although the foundations are less than would be expected for a new build. There are areas of localised rot and evidence that the building has been tanked/DPC (all or in part). The timber braced wall and roof structure are identified as being in good condition. The walls themselves are timber bracings covered in corrugated sheeting. The report recommends the removal of a tree to the east of the building due to their potential impact on the building foundations and works to address localised rot. On the basis that the materials adopted for any conversion work are kept to a minimum, the report concludes that the existing structure is suitable.

The application was deferred to seek further clarification regarding the effects of internal lining works on the loading of the walls in order to establish whether any further supporting elements would need to be added. The red line boundary was also requested to be amended in order to ensure that direct access to the agricultural land to the north of the proposed domestic garden is not impeded as a result of there being across agricultural land. Further information was provided to

confirm that a full structural survey was undertaken, consistent with the information provided for other applications. Revised plans have been provided to show foundations, lining/insulation proposed and written confirmation has been provided by the engineer that the loading will not be affected by the works, with no further support required. Amended plans also confirm that the existing external cladding is asbestos sheeting to be encapsulated for retention.

The application drawings provides information that seeks to address the Strategy for Nature and enhancements to biodiversity.

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

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP16(A): Conversion of Redundant Buildings

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP15: Creation and Extension of Curtilage

IP7: Private and Communal Car Parking

IP6: Transport infrastructure and support facilities

IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation have been submitted commenting on the application and raising the following points:

History

- The site has historically been a field with greenhouses first appearing on the 1979 maps – they have recently been demolished (they were in use until summer 2022)
- The shed was used for storage until autumn 2022 (domestic storage e.g. mower)
- The site had a mixed agricultural use after WWII
- Greenhouses and associated structures are temporary buildings on agricultural land

Visual amenity

- The development will not blend in, it is not in keeping with the rural surrounding area
- It will be visible from Rue du Planel and have a negative impact on the natural environs and the general vista when looking across towards Les Simons and Torteval Church Conservation Area
- It will detract from the natural environment and fail to contribute to the built environment

Design

- The development lacks creativity

Agricultural land/change of use

- The scheme does not comply with Policy OC7
 - expectation that the land is cleared and reverted to agricultural use
 - the removal of the glasshouses and submission is trying to circumvent Policy OC7 regarding the removal/retention of ancillary structures. This should have been removed
- The land is good quality and could easily revert to agricultural use (e.g. greenhouse site on Rue Des Rocques 250m north of the site)
- Highlighting the appeals of La Mare vinery – the removal of greenhouses in advance of a planning application to convert a retained shed would not circumvent the OC7a) or b) policy requirements and the importance of not deviating from the overall aims, objectives and policies of the IDP – to allow such a development would “set a very undesirable precedent”

Condition/structure of shed

- The shed was constructed in 1977 using materials available at the time – second hand greenhouse timbers without treatment
- Its situation above the ground was done to save costs
- The concrete floor was mixed on site (variable quality and thickness)
- It is a simple timber frame structure with corrugated asbestos cement board cladding
- The window frames are, in part, structural and the proposed changes will result in structural changes to the building (west elevation)
- The rot is more serious than set out in the application submission – significant areas of rot to the timber framing to the west side of the structure
- The submission avoids all reference to asbestos and it is unfathomable that planning permission could be granted and the asbestos to remain in place
- Not clear if the solar panels are solar thermal or photovoltaic – can the existing roof structure accommodate the load of these panels in addition to loading of upgrade works

Accommodation size

- The property will be minuscule and far less than the 1 bed unit size of 55 – 60 sqm, smaller than the recommended sizes in the Housing Standards Review (UK)

Biodiversity

- Several tree species proposed are non-native and it is recommended that further advice is sought to ensure that trees, shrubs and other plants can offer maximum benefit to wildlife

Other matters

- General understanding/public perception is that development on APAs outside of the centres should only occur when there is a clear strategic need
- To allow poorly constructed building to be converted to residential accommodation cannot have been the intention of the policy/plan of Members of the Assembly when approving the IDP policies
- Any right of way granted was only for a field/vinery
- There are conveyancing, rights of access matters that need to be considered – conveyance refers to the maintenance of the shed there would be no right of access in order to undertake the proposed changes to the building which would require access onto neighbouring land
- The proposed planting on the field does not indicate agricultural use/activities
- The asbestos will cause a danger to occupiers and neighbours and there is no reference to how the holes will be managed or the removal of two boilers (containing asbestos) inside the shed – they won't fit through the door.
- It is not a given that a Policy GP16(B) scheme will follow on given the increasing build costs etc.
- The site notice was not publicly visible being posted 10ft down the track (not visible when approaching from the south and momentarily visible when approaching from the north)

La Societe Guernesiaise - would like to highlight that buildings of this type can be used by roosting bats (or other wildlife). 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 bat populations in this particular part of the island.

La Societe Guernesiaise would recommend that the outbuilding, in particular the roofspaces, 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. This matter should be highlighted by way of an informative note should permission be granted.

La Societe Guernesiaise 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 and ask that the Planning Service consider this aspect in relation to the application. This matter can also be addressed by way of an informative note.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the residential development and the level of rebuilding/alteration proposed to achieve the 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.

Policies OC1 and GP16(A) b. offer support for residential accommodation through the conversion of a redundant building, therefore there is a policy gateway for the proposed development.

Policy OC5(A) seeks to retain agricultural land within the APA however, in this case the land proposed to form the domestic garden associated with the proposed dwelling is limited to land to the west of the building. The land to the north would remain as open and undeveloped agricultural land. The change of use of land proposed to serve the dwelling would not undermine the commercial function of the remaining large area of agricultural land and it is reasonable for a unit of residential accommodation to be served by external amenity space (GP8/Annex I). In this regard the scheme satisfies Policy OC5(A).

The building was a former packing shed associated with the historic horticultural use of the site which has ceased and the glasshouses cleared. The building therefore is no longer required nor capable of being used as a packing shed because there are no glasshouses for it to serve (GP16(A) a.). Criteria b. is also satisfied as the proposal relates to the formation of a unit of residential accommodation. Criterion d. (protected buildings) is not considered relevant in this case. Criterion g. (extensions) would be relevant in so far as the block plan refers to a covered cycle store but the application does not include any further details regarding its appearance. The erection of a cycle store is considered to comply with this aspect of Policy GP16(A).

In the Island Development Plan, 'conversion' is defined for the purposes of the policy as 'development that involves works to an existing building that would facilitate an alternative use (e.g. conversion of a barn to a dwelling). Paragraph 19.17.3 goes on to state that: "proposals that would require significant works to the fabric of the structure, such as rebuilding of external walls, may be regarded as being 'new-build' rather than conversion."

The onus is on the applicant to demonstrate that a building is of sound and substantial construction (GP16(A) c.). The report highlights that the existing timber

frame to the clad walls are sound along with the roof timbers. A DPC has been identified and only localised areas of rot, primarily around windows and doors. The application drawings show that the interior of the building will be thermally insulated (ceiling and walls). Although the public consultation process has referred to the exterior walls/roof being constructed of sheet asbestos there are products available to encapsulate asbestos which would enable it to remain in-situ. This approach has been confirmed by the applicant and has been generally accepted by the Health and Safety Executive as an acceptable means by which to manage asbestos found within buildings to be converted.

Under criterion (c) of Policy GP16(A) the application assessment must also address the matter of “conversion without extensive alteration” and in this respect the current planning application would require:

- The infilling of a door (south elevation)
- The insertion of a window (north elevation)
- Alterations/infilling associated with revised window/door positions (west elevation)
- Internal lining

The evidence of foundations, suitable for a packing shed type structure and wall and roof timbers in good condition demonstrate that the building is of sound and substantial construction for its original purpose as a packing shed. The scheme indicates that the existing external cladding will be retained to both the walls and roof of the structure which will not alter the loading which could occur as a result of the proposed change of use to a dwellinghouse. For the scheme as submitted therefore, the building is considered to be of sound and substantial construction capable of conversion to an alternative use.

The Authority must be satisfied not only that the building is of sound and substantial construction but also that all of the works required do not amount to extensive alterations or rebuilding. In this case, the scheme does not seek to utilise existing window and door openings but will effectively create new/infill existing with the infill works proposed to the south and west elevations, the new window in the north elevation and substantial changes to the window and door arrangements in the west elevation to accommodate the internal layout as proposed.

It is noted that the door to the south elevation would open out across the application site boundary onto land outside the applicants ownership and control however, this would remain the case for the retained window, shown to serve a shower room, to the east elevation. Whilst the clerestory of windows to the west elevation could be used to provide access and light to the proposed accommodation the alterations the west elevation and one new window to the north elevation alone are not considered to represent extensive alterations to the building and the scheme in this respect complies with the requirements of Policy GP16(A).

The functional appearance of the packing shed, with its sheet clad exterior is not considered to represent a building of character and the changes proposed will not

have a detrimental impact on the building itself in line with criterion e. The proposed alterations represent a good standard of design when considering Policy GP8.

The building is situated in the southeast corner of the site and away from the road frontage of Rue du Planel. The change of use of the building and associated change of use of the land will not have a detrimental impact on the character and openness of the landscape in line with the aims of criterion f., GP1 and GP8 of the IDP.

Given the location of the building, away from all residential neighbours, the proposed change of use of the building and land will not result in harm to residential amenity as required by criterion h. The development also offers accommodation that will be satisfactorily served by sunlight and daylight and the scheme offers access to external space for the benefit of occupiers in line with the aims of Policy GP8.

The accommodation proposed will be on a single level and the site is substantially flat thereby offering access to and within the building for people of all ages and abilities. With regard to flexible and adaptable accommodation the living accommodation is open plan and the layout could be adjusted to suit the changing needs of occupiers. Consideration could also be given to an extension to the building (exempt/with planning permission) to offer more flexibility to the dwelling in line with Policy GP8.

GP8 and GP16(A) along with the Strategy for Nature SPG all seek to ensure that appropriate hard and soft landscaping is provided to preserve the character of the area and for biodiversity benefits. The scheme shows the formation of a hedge bank between the proposed domestic garden and field beyond with tree planting both within the proposed domestic garden and on the agricultural land beyond. These proposed works, which can be controlled by condition would address the aims of the IDP and the SPG. An informative note can be imposed highlighting the benefits of native planting.

The scheme refers to the provision of electric charging points and solar panels along with permeable/gravel paving and cycle storage. The open plan living area is dual aspect (west and north) with the bedroom being west facing offering natural solar gain to the accommodation. In order to ensure these measures are implemented in line with Policy GP9 the matter should be controlled by planning condition.

A condition should also be imposed requiring details of the cycle store to be provided, and for it to be installed prior to the dwelling being occupied to ensure the scheme delivers secure and covered cycle storage to address the requirements of Policy IP6. The dwelling will be accessed via an unmade track but its use for one dwelling in addition to the agricultural land now available following the clearance of the redundant horticultural glasshouses would not unacceptably increase vehicle movements at the junction with Rue du Planel or on the local highway. The level of off-road parking proposed is also considered satisfactory for a one bedroom dwelling in this location. The scheme therefore addresses the requirements of Policies IP7 and IP9.

In view of the above it is recommended planning permission is granted for the proposed development subject to conditions.

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: 27 April 2023

