

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 and alter building (Retail Use Class 10) to create dwelling (Residential Use Class 1).

LOCATION: Albecq Farm, Retot Lane, Castel.

APPLICANT: Mr P Crowson

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7487-02/B1 & /B2.

Application Ref: FULL/2023/0265

Property Ref: D01093A000 & D010930000

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 first occupation of the dwelling-house hereby approved, full details of the proposed boundaries of the application site, including the east and south boundaries, has been submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the first occupation of the new dwelling.

Reason- the boundary treatments forming the domestic curtilage associated with the new dwelling are unclear, particularly along the east and south boundaries.

5.No part of the development, hereby permitted, shall be occupied until the bicycle storage area and the allocated parking spaces serving the hereby dwelling-house as shown on drawing reference 7487-02 B2 and 747-02 B1 have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approved off-street parking is provided.

6.All disturbed works to the front and side (east and south) elevations of the building shall be finished in granite stone and rendered accordingly to match as closely as possible the method of construction, texture and appearance of the existing stone walls within 2 months of the dwelling being first occupied.

Reason - To ensure that all disturbed works match the external appearance of the building in the interests of visual amenity.

7.Prior to the first occupation of the dwelling-house hereby approved, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

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 achieve a good standard of design.

8.All planting, seeding or turfing comprised in the approved details of landscaping required as part of the condition above shall be carried out in the first planting and seeding seasons following the occupation of the new dwelling. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

Expiry Date: This permission will cease to have effect on 12/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the domestic curtilage to be associated with the new dwelling is recognised as the land outlined in red on the Proposed Block Plan as shown on approved Drawing No 7487-02 B1. The land to the south of the area outlined in red is recognised as agricultural land as set out in the 'definition of domestic curtilage 2021'.

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 by a suitably qualified person 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/2023/0265
Property Ref: D01093A000 & D010930000
Valid date: 01/02/2023
Location: Albecq Farm Retot Lane Castel Guernsey GY5 7EG
Proposal: Convert and alter building (Retail Use Class 10) to create dwelling (Residential Use Class 1).

Applicant: Mr P Crowson

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 first occupation of the dwelling-house hereby approved, full details of the proposed boundaries of the application site, including the east and south

boundaries, has been submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the first occupation of the new dwelling.

Reason- the boundary treatments forming the domestic curtilage associated with the new dwelling are unclear, particularly along the east and south boundaries.

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Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

INFORMATIVES

For the avoidance of doubt, the domestic curtilage to be associated with the new dwelling is recognised as the land outlined in red on the Proposed Block Plan as shown on approved Drawing No 7487-02 B1. The land to the south of the area outlined in red is recognised as agricultural land as set out in the 'definition of domestic curtilage 2021'.

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 by a suitably qualified person 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 property known as the former Army and Navy Stores, comprises a single storey flat roof building which forms the corner of Retot Lane. Whilst the building consists of a traditional, granite stone structure with a painted rendered appearance to the front, the building has little architectural merit. The building is located on the boundary with a neighbouring property known as La Chaumiere.

The building lies to the west of Albecq Farm, which itself is subject to various applications to renovate the property. A right-of-way exists over Albecq Farm to access the rear of the building in question. Whilst Albecq Farm is recognised as a protected building, the outbuilding in question is excluded from the listing and therefore does not afford the same protection as the farmhouse.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2014/1431	Apply signage to door (retrospective)	Granted
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Existing Use(s):

Retail – General Retail Use Class 10.

Brief Description of Development:

Planning permission is sought to convert and alter the outbuilding to create a dwelling-house. The application also includes the creation of curtilage to serve the building located the side and rear of the proposed dwelling. The agent has included an existing outbuilding at Albecq Farm within the proposed curtilage to serve as storage for bicycles and gardening equipment. It is understood that the applicant owns both the store and Albecq Farm and therefore has amended boundaries to suit the proposal.

The propose dwelling features a bedroom, living room, shower room, kitchen and two stores, with parking provision for one car and a garden to the rear.

The agent set out in their letter of 25th January that the last known use of the building is a shop, and the last use for this purposes was for a short period by a second hand goods and salvage company which ended in 2020. Before this period, the building was occupied by a long-term tenant (which ran it as an Army and Navy Stores), although this tenancy ended 10 -15 years ago and the shop laid vacant in the interim. Consequently, the building has been vacant for approximately 3 years since 2020.

Some concerns were raised over the justification provided in terms of whether the building is 'redundant' for the purposes of Policy GP16(A) (Conversion of Redundant Buildings).

In attempt to overcome the concerns raised, the agent has set out in their letter of 19th April 2023 that:

- The building is not capable of being used for its current or last known purposes as it does not have a curtilage.
- There is no formal access to the east elevation of the building, and no right to use the driveway for access or parking.
- The door on the north elevation opens out onto the road, with no parking provision available or designated parking or an un/loading area.
- The road is of limited width and is unsuitable for parking or un/loading associated with retail use.
- The building has no sanitary facilities – no running water, foul drainage, or WC facility. It is assumed that an informal agreement was with the previous owners of Albecq Farm to use sanitary facilities within the dwelling.
- The last tenant used the building as a second-hand goods business until September 2020 and only opened during for limited hours on the weekend. They later moved to one of the Main Centres.
- The building is a single retail unit within a predominately residential area.

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

OC1: Housing Outside of the Centres.

OC4: Retail Outside of the Centres

GP1: Landscape Character and Open Land
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP16(A): Conversion of Redundant Buildings
IP7: Private and communal parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

La Societe Guernesiaise:

In respect of this application, we 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.

We 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.

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 by a suitably qualified person 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

Summary of Issues:

- Whether the loss of the retail unit in this location is acceptable.
- Whether the conversion of the building into a dwelling-house is acceptable.
- Creation of curtilage.
- Whether the design of the proposed development is acceptable.
- Parking and access.

- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- The impact on the setting of the adjacent protected building.

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).**

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.

Whether the loss of retail is appropriate in this location:

Policy OC4 states that a *"Change of use away from comparison or convenience retail will be supported providing that the proposal accords with all other relevant policies of the Island Development Plan."* Consequently, the loss of the retail unit in this location is acceptable, subject to complying with other relevant planning policies.

Whether the conversion of the building into a dwelling-house is acceptable:

Policy OC1 states that *"Outside of the Centres, proposals for the creation of new dwellings will only be supported where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building."* The application falls under the conversion of an existing 'redundant' building, although whether the proposal is 'redundant' is discussed below.

The agent has submitted further justification as set out in their letter of 19th April 2023 in attempt to demonstrate that the building is no longer required or capable of being used for its current or last known purpose, rather than it is no longer required.

As set out above in the 'brief description of the development', the factors over redundancy focus on reasons such as; the lack of curtilage, lack of access and parking, and lack of sanitary facilities. Whilst additional has been submitted which sets out some of the physical constraints of the land to serve effectively as retail use, there would be nothing obvious to prohibit the applicant from upgrading the existing facilities of the site such as sanitary provision, or amend the boundaries of both the outbuilding and Albecq Farm to provide a curtilage and having regard to the existing

right of access arrangements, and therefore the level of demonstration is not overwhelming. In addition, no information as to why the building is no longer required has been provided.

However, when taking into account the cumulative factors of the limitations of the site in terms of its limited curtilage, access/right-of-way, parking, lack of sanitary provision and therefore relies upon Albecq Farm for such provision, all indicates the inappropriateness of the site being retained for retail unit.

The site lends itself to residential when considering the general policy support for the change of use away from retail in locations such as this and assessing the spatial relationship between the site and neighbouring residential properties which has poor connectivity to other retail premises, together with the limited size of the retail unit (approx. 49sqm). In addition, the site is located Outside of the Centres and is not located on or near the coastline which could potentially contribute to the vitality or viability of the coastline and coupled with the spatial strategy of the IDP which seeks to concentrate the majority of development, including retail provision, within the Main Centres, it's loss in this circumstance is not resisted.

On this basis, it is reasonable to come to the conclusion that the for the purposes of Policy GP16(A) that the building is 'no longer capable of being used for its current or last known purpose) for the purposes of Policy GP16(A).

The proposal would result in a residential use, and the existing building of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding as alluded to in the Structural Engineers report. The proposal would have no unacceptable impacts on the contribution the building makes to the character and appearance of the surrounding area, and the conversion and ancillary development associated with the building can be implemented without having any unacceptable impacts on the character and openness of the landscape. The conversion would not involve more than a modest extension to the existing building for it to be achieved. The effect of the building on the setting of Albecq Farm, and the effect on neighbouring residents is set out below. On this basis, the proposal would accord with Policy GP16(A).

Consequently, the principle of housing development is acceptable and further consideration as to whether the development would be in character with its surroundings, would be of satisfactory design and would comply with other relevant policies, is assessed below.

Creation of curtilage:

The proposal seeks to create a modest sized curtilage around the side and rear of the property which will not have a detrimental effect on the landscape character of the wider area, or affect an Area of Biodiversity Importance, or an Agriculture Priority Area, or would result in the loss of established boundary features. The effect of the development on neighbouring amenity is discussed below.

For the avoidance of doubt, the proposal seeks to use part of the recognised domestic curtilage associated with Albecq Farm and therefore there is no requirement to achieve a positive environmental enhancement through the direction of the Strategy for Nature (2020) given that no agricultural land is being lost as part of the proposal and the scheme does not require assessment against Policy GP15.

The creation of curtilage is required as part of the conversion of a redundant building to a dwelling-house in the interests of the health and well-being of future occupiers.

Whether the design of the proposed development is acceptable, parking and access, the impact of the development on the character and appearance of the area, and on neighbour amenity.

The proposed development seeks to convert an existing retail building in order to create a one-bedroom dwelling-house with a modest internal and external amenity space. The scale, form and footprint of the building would remain unchanged, whilst modernising its appearance through the use of timber fenestration and panelling around the front door.

The majority of the works are focused on the interior of the building to improve aspects such as thermal performance, ventilation, sanitation etc in order to comply with the Guernsey Building Regulations (2012).

The remaining works to the building, such as alterations to the fenestration, will have a negligible effect on the exterior of the building, subject to appropriate conditions. In addition, the side and rear of the building is partially screened by the granite wall which forms both the roadside boundary and north elevation of the building.

The new dwelling would satisfy the amenity standards providing a reasonable living environment set out in Annex 1 (Amenities). The accommodation is to be served by a level threshold and although there are steps internally the building would remain accessible for people with an ambulant disability. As new internal partitions are non-structural the building would be capable of adaptation in future to meet the changing needs of occupiers.

One parking space is allocated for the proposed dwelling. The building is served an existing vehicle access and a right-of-way over the neighbouring property and therefore there will be no highway safety or traffic management issues as sightlines would remain unchanged, so would the space available to manoeuvre a vehicle within the site by virtue of the right-of-way. The application also includes secure and covered bicycle provision for the dwelling.

The use of the building as a dwelling-house will have limited effect on the character and appearance of the area when compared to using the building for retail use, particularly as the surrounding area is predominately characterised as residential.

Given that no fenestration is proposed on the west elevation of the building, there will be no adverse effect on the amenities of neighbouring residents. The windows to the south will serve a kitchen, although due to the height of the boundary wall (as shown on the south elevation), coupled with the relationship to the neighbouring property to the west which will be directed towards the neighbour's rear garden, the oblique views afforded would not raise serious concerns and thus does not result in a significant detrimental effect on neighbour amenity.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Overall, the proposal will have little effect on the character and appearance of the area as the majority of the works are not highly visible in public views, and there will be no substantial effect on neighbours.

The proposal is compliant with Policy GP8, GP9, IP7 and IP9.

Conclusions

The principle to convert a redundant retail unit into a dwelling-house in this location based on the characteristics and constraints of the site together with the spatial strategy of the IDP is appropriate under the provisions of Policy OC1, OC4 and GP16. The proposal is considered to respect the character and appearance of the surrounding area.

The dwelling is acceptable in terms of its simplistic and modest design under Policy GP8, which also demonstrates the most effective and efficient use of land whilst respecting the surrounding built environment.

The new dwelling would satisfy the amenity standards providing a reasonable living environment set out in Annex 1 (Amenities), nor undermine the privacy of neighbouring residents.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

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.

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

The impact on the setting of the adjacent protected building.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics, including their setting, are preserved. This duty is reflected in Policy GP5 of the IDP.

Due to the scale and type of works involved, coupled with the choice of materials and their appearance and distance to the protected farmhouse, the proposal will not affect the setting of the protected building.

The proposal is compliant with Policy GP5.

Date: 03/07/23

