

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: Renovation of former building including creation of first floor, addition of roof, reconstruction of lean-to and installation of fenestration.

LOCATION: L'Echelle Gate House (Les Galliennes Farm), Rue Des Roquettes, St. Andrew.

APPLICANT: Mr & Mrs T Veron

I refer to the application referred to below received as valid on 09/03/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/06/2023

Drawing Nos: PF+A Ltd: 7531-01/B1, /B2 & /B3.

Application Ref: FULL/2023/0499

Property Ref: K00284B001

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 existing building is not of sound and substantial construction in respect of its former purpose, and is not capable of conversion without extensive alteration. The application does not therefore meet the terms of Policy GP16(A)c) (Conversion of Redundant Buildings) in the Island Development Plan.
2. There is insufficient information for the proposal to meet the terms of Policy GP16(A)b), relating to the use of the building, f), relating to the impacts of any ancillary development on the character and openness of the landscape; and h), relating to the impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

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/2023/0499
Property Ref: K00284B001
Valid date: 09/03/2023
Location: L'Echelle Gate House (Les Galliennes Farm) Rue Des Roquettes
St. Andrew Guernsey GY6 8SQ
Proposal: Renovation of former building including creation of first floor,
addition of roof, reconstruction of lean-to and installation of
fenestration.
Applicant: Mr & Mrs T Veron

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The existing building is not of sound and substantial construction in respect of its former purpose, and is not capable of conversion without extensive alteration. The application does not therefore meet the terms of Policy GP16(A)c) (Conversion of Redundant Buildings) in the Island Development Plan.
 2. There is insufficient information for the proposal to meet the terms of Policy GP16(A)b), relating to the use of the building, f), relating to the impacts of any ancillary development on the character and openness of the landscape; and h), relating to the impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.
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OFFICER'S REPORT

Site Description:

The application site, as outlined in red on the submitted plans, comprises the remains of a building set on 0.39 acres (1562sqm) of land.

The site is set at the bottom of a valley, sloping from south-west down to the north-east with an open stream running along the north-east boundary. The site is bounded by Rue des Roquettes to the north-west and is separated from fields to the north-east, south and south-west by robust treed boundaries. Residential properties are located across the road to the north-west.

The site historically formed part of the property to the south, known as Les Galliennes Farm. The building group at that property is located to the south-east of the application site, adjacent to Route des Talbots, and comprises a house and enclosed barn dating from before 1787 and a 19th century open sided barn, currently undergoing conversion for

residential purposes. The domestic curtilage recognised for the house and approved for the barn conversion is restricted to the building group, with limited extension approved to the south-east of the house.

The whole of the house and enclosed barn at Les Galliennes Farm, together with the roadside wall adjacent to those structures, is protected. The open sided barn, and the building which forms the subject of this application, do not however form part of the listing. The buildings were first protected in 2018 and, as part of the assessment of the site for listing, it was observed that the building which forms the subject of this application was likely to date at least partially from before 1787, however has been subject to alterations and was in such poor condition as to be termed a ruin. Notwithstanding any contribution to the historical understanding or setting of the wider protected building group, the building was therefore determined not to meet the criteria for listing.

The site is located Outside of the Centres, within an Agriculture Priority Area, in the Island Development Plan.

Relevant Planning History:

K.284 (Les Galliennes House and enclosed barn)

15/10/20 FULL/2020/1273 Permission for change of use of agricultural land to domestic garden and create new vehicular access and parking area

14/12/22 FULL/2022/0786 Permission to demolish extensions, extend and alter at ground and first floor levels, demolish and rebuild chimney and internal and fenestration alterations. Erect detached garage to east boundary and landscaping and lay cobbled driveway (Protected Building).

FULL/2023/0441 Convert barn/store to residential dwelling (Protected Building).
Pending.

K.284/B (Formerly Les Galliennes – open sided barn, now The Hayloft)

23/12/21 FULL/2021/0031 Permission for conversion of barn into a dwelling, demolish outbuilding, alterations to wing, change of use of land to domestic, create new vehicular access and close existing access. (Revised scheme).

K.284/B1 (The application site)

Pre-application advice regarding repair works to former coach house building.

Relevant details of ownership

The whole of Les Galliennes Farm, including the application site, was purchased by an individual in 1944 and remained within that person's family until 2019.

In 1989 part of the Farm, located immediately to the north of the application site and described as “the ruins of a water mill called Le Moulin de Haut de L’Echelle and part of a field called Le Pre du Moulin, situate at Rue de L’Echelle (Rue des Roquettes)”, was sold into separate ownership.

In 2019 the whole of the remaining property was purchased by a company. In 2021 that property was split into two parts; the farmhouse, enclosed barn and land forming one land parcel, and the open sided barn together with the building which forms the subject of this application forming a separate parcel. The building and land which forms the subject of this application was sold into the current ownership in 2022.

Existing Use(s):

Nil use – the building has been abandoned.

The original use of the building is not clear from the information available. The remains of the building however show evidence that its purpose was likely utilitarian (position of apertures/stairs and presence of a “ladder hole”). This may have been in connection with the surrounding agricultural land. Cadastre records reviewed for details of ownership above also refer to a water mill, which was located to the north of and perpendicular to the building, alongside Rue Des Roquettes. The ruins of that mill are referred to in the 1989 transfer of ownership, however are not visible on any of the subsequent aerial photographs. It is not known if the use of the two buildings was related.

Brief Description of Development:

Permission is sought to renovate the former building at this site as follows:

- Install perimeter French drain and/or drainage channel;
- Repoint and make good walls to main part of building, including reconstruction of wall head;
- Install new roof and structure over main part of building;
- Install window and doors within existing openings (re-forming upper parts of apertures at first floor level);
- Repoint, make good and partially reconstruct side walls of lean-to, construct new section of wall to south elevation and install new roof and structure;
- Install concrete floor slab;
- Install internal stair and first floor structure.

A Structural Condition Report is provided in support of the application.

The covering letter makes the following points:

- Les Galliennes farmhouse and outbuildings include several listed structures and the overall setting of the farm within the valley is of historical interest. There have been recent approvals to renovate the main house and convert the hayloft, thereby saving and preserving these buildings and the historical value of the site;

- The current application would preserve the existing building in order to retain the overall historical interest and setting of the site.
- The building will be renovated to a design similar in appearance to the original building.

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

OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance:
 Parking Standards and Traffic Impact Assessment
 Strategy for Nature

Representations:

One letter of representation received noting that substantial work has been undertaken at Les Galliennes, to the detriment of flora and fauna. It is therefore important to clarify the curtilage of this building before any work is authorised.

Consultations:

None undertaken.

Summary of Issues:

- Whether the proposed use would be acceptable (GP16(A)b));
- Whether the building is of sound and substantial construction for its last known use (GP16(A)c));
- Whether the extent of alteration proposed is extensive (GP16(A)c));
- Whether any ancillary development associated with the conversion can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape (GP16(A)f));
- Whether the proposed extension is modest (GP16(A)g));
- Whether the proposal would have unacceptable impacts on the amenities and enjoyment of neighbouring properties and the surrounding area (GP16(A)h)).

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).

The use of the site

The Land Planning and Development (Guernsey) Law, 2005 refers to the concept of “abandonment” stating in Section 13 (3) (b) that “the resumption on any land of a use which has been abandoned” is a change of use requiring planning permission. Although there may be no Guernsey Case Law on the subject of abandonment in order to determine whether buildings are derelict in the sense of their use being deliberately neglected the UK has established four tests (Court of Appeal Hughes v SSETR and Another, 2000) for ‘abandonment’ and these four tests have been adopted in Guernsey and would be persuasive in a local court. The tests are:

- 1) The physical condition of the building;
- 2) The length of time the building has not been used;
- 3) Other intervening use;
- 4) The owner’s intentions.

The information submitted with the application and photographs available, together with a site visit, demonstrate that the physical condition of the building has deteriorated significantly, with roofs, first floor, fenestration and sections of wall missing. Aerial photograph regression shows that the roof of the main building appeared to be intact in 1962, although the southern section of the building appeared derelict. The roof and first floor of the main building had collapsed and the building was becoming overgrown in 1979, and that part of the building has therefore been in a dilapidated state for at least 44 years. Officers of the Planning Service visited the site in January 2018, as part of the assessment of the wider Les Galliennes Farm for the protected buildings review, and the building remained overgrown at that time. A further site visit was undertaken by Officers of the Service in June 2019, as part of pre-application dialogue with the new owner at that time, and by that time the vegetation had been cleared and some re-pointing had been undertaken.

There is no information within the submission in respect of the owner’s intentions, beyond the renovation of the building and a reference in the Structural Condition Report that this would “allow for a range of uses including storage or workshop”. However, irrespective of the intentions of the owners subsequent to 2019, the building had already been unusable for over 40 years and, whilst there is no evidence of the intentions of the owners prior to purchase in 2019, there is no evidence of any attempts to either maintain or repair the building in order to prevent further deterioration or to indicate any intention to use the building.

Taking into account the above, it is concluded that the use of the building was abandoned prior to the change of ownership in 2019, and the actions and intentions of subsequent owners do not alter that conclusion.

Current application

As the building has a nil use, there is no planning policy gateway to support works under a specific policy relating to the use of the building. Policy GP16(A) could however provide a policy route to consider the reuse of a redundant building, where all of the relevant policy criteria were met.

The proposal is addressed against the criteria of Policy GP16(A) below.

a. It is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

As set out above the use of the building has been abandoned and, taking into account the condition of the remaining structure, the building is no longer capable of being used for its former purpose.

b. The conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal creation or informal leisure and recreation uses;

There is no information within the submission in respect of the proposed use of the building, beyond a reference in the Structural Condition Report that this would “allow for a range of uses including storage or workshop” and a statement in the covering letter that the building will be “subject to a further application for an appropriate use”. It is not therefore possible to assess the application in respect of this criterion.

c. The existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

Following the approach taken by the Planning Tribunal in relation to an appeal under GP16(A) (Ref: PAP/008/2019), this criterion must be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

A Structural Condition Report has been provided in support of the application. Whilst that report identifies that the remaining walls are in good condition, that does not overcome the fact that parts of the walls, the roof and associated structure, first floor and associated structure and all fenestration is missing. Whilst the former use of the building is not clear, the building cannot be considered of a sound and substantial construction which is capable of functional use as it stands.

The works proposed to facilitate the ongoing use of the building are set out in the Brief Description of Development above. Taken cumulatively, including the wholesale replacement of roof and first floor structure, the substantial reconstruction of the southern lean-to, the replacement of fenestration and reconstruction/making good of areas of wall, these works would amount to extensive alteration.

d. The proposal would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The building itself is not protected. The two buildings on the opposite side of the road to the north are however protected, and the building group to the south-east (excluding the Hayloft). In addition to the above, there is a statutory duty, when considering an application affecting the setting of a protected building, to have regard to the desirability of preserving the special interest by reason of which the protected building is listed and the opportunity that the development may afford to restore, enhance or improve its setting.

The submitted information does not include an assessment of the historic function of the building, or any significance deriving from its relationship with surrounding buildings. As noted above, the building is likely to date, at least partially, from before 1787, however has been subject to subsequent alterations, and its purpose is not clear. Any significance deriving from its relationship with surrounding buildings was not sufficient to warrant the listing of the building as part of the review of the adjacent building group.

To the south-east, the topography of the area, distance to the protected buildings and intervening vegetation separates the building from the protected building group in that direction, and there are no sightlines between the buildings. The building can however be read in the context of the protected buildings to the north, from along Rue des Roquettes, although it is set back from that road.

The covering letter states that the building will be “renovated to a design similar in appearance to the original building, utilising the existing wall and openings”. No evidence has been provided to demonstrate the former appearance of the building. From evidence available through aerial photograph regression and on site, the proposed works would however appear to follow the form of the building as previously constructed. As such, the proposals would not significantly alter the relationship of the building with the surrounding buildings and would not therefore result in any adverse impacts on the setting of those buildings.

Whilst it is acknowledged that the building is likely to have had historical associations with surrounding building and land uses, the building does not form part of a group or individual listing and it has not been demonstrated that significant benefits would arise from its restoration, or that those benefits would outweigh the requirements of other parts of this policy.

e. The proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The building comprises a stone-built structure of traditional proportions, and could be considered a building of character, were it intact.

The building is not however visible from Route des Talbots to the north-east, screened by the heavy vegetation in that direction, and is set back from Rue des Roquettes to the north-west, visible from only a limited section of that road. The contribution the building makes to the character of the area is therefore somewhat limited.

The proposals would however maintain the traditional form of the building, using appropriate materials, and would not result in any unacceptable impacts on the contribution the building makes to the character and appearance of the area.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The application as submitted would result in the reinstatement of a building, utilising the remains of that building and would not, in itself, result in any adverse impacts on the character and openness of the landscape. As no proposed use is specified, it is not however clear whether any ancillary development would be required. It is not therefore possible to fully assess the proposal against this criterion.

g. The conversion would not require more than modest extension to the existing building for it to be achieved;

The prefacing text to Policy GP16(A) expands upon this criterion, identifying that conversion may be accompanied by a modest extension “*provided that the extension is not of a scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy*”.

The work required to reconstruct the lean-to element of the building would amount to the extension of the building. Whilst the footprint of the lean-to would comprise a 45% increase on the footprint of the main part of the building, it would comprise a 24% increase in floor area (once the first floor were reinstated) and a 23% increase to the volume of the building. Notwithstanding the earlier conclusions that the proposed alterations as a whole could reasonably be described as extensive, taking into account the findings of the Appeals Tribunal in relation to development at La Pomare Farm (Appeal Case Ref PAP/010/2019), the extension taken alone would not be of such a scale as to form a significant part of the building in proportional terms. Nor, despite the fact that the building would be altered in other ways, is it considered that a new building would in effect be created solely by the addition of the extension. On balance therefore the proposal is found to meet the requirements of GP16(A)(g).

h. The proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area;

The building is set away from surrounding residential properties and the physical works proposed would not have any adverse impacts on the amenities and enjoyment of those properties.

As the proposed use is unknown, any potential impacts arising from that use cannot be assessed.

Conclusion

In light of the above, there is insufficient information to properly assess the proposal in respect of Policy GP16(A) b), f) and h) and the application fails to meet the terms of c).

Having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320) because the proposal fails fundamentally to satisfy the policy requirements of Policy GP16(A) then the proposal must be refused as no policy gateway applies and no further consideration of the proposals is necessary.

As a result no assessment of the scheme has been made having regard to the other relevant planning policies, namely Policies OC5(A), GP1, GP8, GP9, GP15, IP6, IP7 and IP9 of the Island Development Plan.

Date: 26/06/2023

