

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Convert packing shed into dwelling with associated landscaping and parking.

LOCATION: Packing Shed, Hougues Magues Lane, St. Sampson.

APPLICANT: Mr & Mrs A Leadbeater

I refer to the application referred to below received as valid on 19/06/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/08/2023

Drawing Nos: The Drawing Room: 369 C1A & C2A

Application Ref: FULL/2023/0994

Property Ref: B013340000

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 facilities provided by the building remain useful in association with the use of the land. The building has recently been constructed and is clearly capable of being used for its authorised purpose. It has therefore not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).
2. The creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape. The proposal would therefore fail to comply with part (f) of Policy GP16(A), part (a) of Policy GP15 and the requirements of Policy GP1. As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B).
3. There is insufficient information to properly assess the proposal in respect of the creation of a new access in the south-west boundary, and it is not therefore demonstrated that the creation of a new access would meet the requirements of Policies GP1, parts a), b) or c) of GP8 or part b) of GP9.

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/2023/0994
Property Ref: B013340000
Valid date: 19/06/2023
Location: Packing Shed Hougues Magues Lane St. Sampson Guernsey
GY2 4WA
Proposal: Convert packing shed into dwelling with associated landscaping
and parking.
Applicant: Mr & Mrs A Leadbeater

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The facilities provided by the building remain useful in association with the use of the land. The building has recently been constructed and is clearly capable of being used for its authorised purpose. It has therefore not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).
 2. The creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape. The proposal would therefore fail to comply with part (f) of Policy GP16(A), part (a) of Policy GP15 and the requirements of Policy GP1. As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B).
 3. There is insufficient information to properly assess the proposal in respect of the creation of a new access in the south-west boundary, and it is not therefore demonstrated that the creation of a new access would meet the requirements of Policies GP1, parts a), b) or c) of GP8 or part b) of GP9.
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OFFICER'S REPORT

Site Description:

The application site comprises a 6333sqm area of agricultural land located to the east of Hougues Magues Lane. The site access is located centrally in the west boundary, serving an area of hardcore, a small store and the packing shed which forms the subject of this application. A further small store is located to the north of the site.

The site is located Outside of the Centres in the Island Development Plan.

Relevant Planning History:

An application for the erection of a packing shed was approved in 1990. Work was lawfully commenced on the implementation of that permission. Case Law has established that planning permission, once commenced, cannot be abandoned and therefore it was agreed 07/09/2022 that works could continue to implement the permission, on the understanding that the building could only be used as a packing shed in association with an agricultural use of the land. No additional planning application was made or required in respect of these works and there was therefore no requirement or mechanism to allow for public comment. The works simply comprised the continued implementation of an extant planning permission.

An application to vary the previously approved plans (ref FULL/2023/0037), altering the fenestration to all elevations, was approved in retrospect 09/03/2023. This application was advertised in the normal manner.

The completed building has been built in accordance with the plans approved in 1990, with the exception of the doors and windows, which have been completed in accordance with the 2023 approved plans. Building Control issued a completion certificate 07/03/2023, confirming that the building works had been inspected and, as far as could be ascertained from a visual inspection, the requirements of the Building Regulations had been satisfied.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert the existing packing shed to a two-bed dwelling.

The central section of the site would form the domestic curtilage for the new dwelling, with the land to the north and south retained as agricultural. Access to the land to the north would be retained through the domestic curtilage. An earthbank and planting would separate the curtilage from the land to the south and the plans note "open up existing overgrown access" in the south-west corner of the site, to serve that land. There was however no access apparent on site, and the proposal would therefore be to create a new opening.

Access to the dwelling would be via the existing access in the west boundary, with a new permeable block paving driveway laid.

The works proposed to facilitate the conversion are as follows:

- Addition of external insulation and cedar cladding to external walls;
- Replacement of existing windows and doors in existing openings (existing windows being formed by rigid plastic sheeting);
- Installation of 2no dormer windows to south roofslope;

- Installation of 2no rooflights to north roofslope;
- Installation of door canopy;
- Installation of internal insulation to the roof;
- Installation of partitions and stair.

A sustainability statement has been provided.

In support of the application a letter has been provided from Collas Crill, noting that, following the cessation of the site's commercial horticultural use during the later 1990s (all glasshouses being demolished and cleared from the site between 2006-2009), the building is no longer useful or reasonably capable of being used for its originally approved purpose (having no current or previous use).

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

S1	Spatial Policy
S4	Outside of the Centres
OC1	Housing Outside of the Centres
OC5(B)	Agriculture Outside of the Centres – outside of 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:

Five letters of representation received, raising the following points:

- The site is not presently used for its authorised purpose;
- The packing shed has not been built in accordance with the approved plans and there has been no opportunity for public comment;
- There are no glasshouses remaining at the site, and therefore no justification for building a packing shed;
- The building is barely complete and has never been used;
- The land is agricultural, has been used for the production of hay in recent times and should remain green;
- The lane is already busy, including children walking or cycling to school, and cannot cope with additional traffic;

- Residents park in blind spots along the lane, increasing the road safety risk;
- There is no existing access in the south-west corner of the site;
- Full details of landscaping under the Strategy for Nature should be required;
- The method of division of the field implies the likelihood for future development;
- The site notice was displayed on the property gate, which has remained open daily and is not therefore properly displayed.

La Societe Guernesiaise comment as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We would highlight that if this outbuilding was to be converted to a dwelling, it would fragment and therefore compromise the integrity of a much larger plot of land which measures over 0.5ha; following development, neither of the two remaining smaller areas of agricultural land would be commercially viable.

We note that the application does not include specific biodiversity measures as required by Planning.

We would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

If this application is considered further, we would recommend that the building, in particular the roofspace, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is considered further, an informative note be added to the Information Sheet as follows -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

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

light are relatively sparse. This part of the island has recently been shown to support a number of bat species.

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

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

Consultations:

None undertaken.

Summary of Issues:

In respect of this application the key issues are:

- Whether the building is no longer required or capable of being used for its current or last known purpose (GP16(A)a));
- 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 (GP1, GP15, GP16(A)f), OC5(B)).

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).**

Policy context and the principle of residential development

The Spatial Policy of the Island Development Plan (IDP), expressed through Policy S1 (Spatial Policy), is to, *“concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan (SLUP)”*.

The approach to development set out within the SLUP and the Spatial Policy of the IDP is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the IDP *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

In exceptional circumstances, in relation to housing, the IDP does however recognise the potential opportunity to convert and reuse redundant buildings. The balance in terms of housing provision outside of the centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined. To this end, any proposal to create housing must comply with a series of rigorous tests, summarised in Policy OC1 (Housing Outside the Centres) and encapsulated in Policy GP16(A) (Conversion of redundant buildings) in the IDP.

Conversion of the existing building

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;

The information submitted in support of the application states that, as the building has never been used, the building has no current or last known purpose, and therefore refers to the originally approved purpose. It is agreed that the approved purpose would be the benchmark for consideration under this application, that use being as a packing shed, for purposes ancillary to the use of the land.

The submitted information states that, following the cessation of the site's commercial horticultural use during the later 1990s (all glasshouses were demolished between 2006-2009) the building is no longer useful or reasonably capable of being used for its approved purpose.

Whilst the foundations of the packing shed were laid in the 1990s, the above ground construction occurred in 2022 and 2023, and a completion certificate was issued by Building Control in March of 2023. The building has therefore been complete for less than 6 months. Whilst the submitted information states that the building has never been used, given the recent and robust construction of the building, it can only be considered as capable of being used for its authorised purpose and no evidence has been presented to the contrary.

Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current occupiers. For example, both personal circumstances and ownership can change resulting in changing needs over time. A broader objective assessment is required to test the redundancy of a building in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. This approach aligns with the conclusions of the Appeals Tribunal in respect of La Pomare Farm (ref PAP/010/2019), where the Tribunal concluded that, as a matter of principle, the demonstration of redundancy of a building relates not simply to the needs or wishes of the present owner of the property, but to redundancy of the building in its present or former use more generally.

In respect of whether the building at the application site is no longer required, the building was approved as a packing shed, for purposes ancillary to the use of the land, which, at the time, was horticultural. Following clearance of the glasshouses between 2006-2009, the use of the land reverted to agricultural. The building was substantially constructed in 2022 and 2023, at which time the use of the land was agricultural. The construction works were undertaken in the full knowledge that the structure could only be used for purposes ancillary to the use of the agricultural land. There has been no apparent change in circumstance at the site, and there is nothing documented in the submitted information, to demonstrate that the requirement which drove the construction of the building no longer exists. There is no evidence that the facilities provided by the building could not remain useful in association with the use of the land. It has not therefore been demonstrated that the building is no longer required for its authorised 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;

The proposal would result in the establishment of a residential use.

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) (Rue Coutance 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.

The preceding text to Policy GP16(A) states that a structural survey will usually be required to address this criterion. No such survey has been submitted as part of the current application however, taking into account the form of construction of the building, the recent nature of the construction, and the certified compliance with the Building Regulations, it is accepted that the building is of sound and substantial construction and capable of its intended use, and there would be no requirement for a structural survey in this instance. It was noted on site that the existing windows are of rigid plastic sheeting and the doors are not well fitted within the apertures, implying a temporary status, however these elements are adequate to enable use of the building for its authorised purpose and would not alter the conclusion in respect of this point.

The works proposed to facilitate the conversion are set out in the Brief Description of Development above. In determining the previously cited appeal, and taking into account para 19.17.7 of the IDP, the Tribunal concluded that work necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, together with the installation of internal partitions, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their

impact on the objectives of Policy GP16(A). The remaining works itemised above are not considered to amount to extensive alteration or rebuilding.

The proposal would therefore comply with Policy GP16(A)(c).

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;

There are no protected buildings at the site. The only protected building in the locality is located to the south-east of the site, and is set sufficiently distant to prevent any impacts on the setting of that building.

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 existing building is of simple form and modern construction, and would not be considered to comprise a building of character.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

The proposed alterations to the existing building are limited, with the most significant visual impact arising from the installation of dormers to the west roofslope. The proposed dormers would comprise substantial features on the roofslope, and would further domesticate the appearance of the building, however would not be of such impact as would warrant refusal of the application under Policy GP8, particularly when taking into account the design and appearance of the recently constructed outbuilding on the adjacent property to the south.

The provision of hard surfacing is not excessive for the size of dwelling proposed, and largely replaces areas of existing informal surfacing. The use of block paving as indicated on the submitted plans would however comprise a formalisation of this rural site.

The provision of soft landscaping is addressed below.

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 proposal would require a change of use of part of the site to enable its use for domestic purposes and would also fall to be considered under Policies OC5(B) (Agriculture Outside of the Centres – outside of the Agriculture Priority Areas), GP15 (Creation and extension of curtilage) and GP1 (Landscape Character and Open Land).

Policy OC5(B) supports the loss of agricultural land and buildings where the proposed new use accords with the other relevant policies of the Plan.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character; and,
- b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,
- c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,
- d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,
- e. it would not adversely affect the reasonable amenities of neighbouring residents.

Policy GP1 requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area.

The property is not located within or adjacent to an Area of Biodiversity Importance, or an Agriculture Priority Area, and the change of use would not require the removal of any boundary features.

In terms of landscape character, the application site is located at the transition between Le Braye Du Valle wetland corridor to the north and the low escarpment linking to the central plain to the south-west, as identified within Annex V in the Island Development Plan. The description of those landscape character types is not however particularly pertinent to the application site.

The site forms part of a relatively flat area of open land, extending to La Vieille Rue to the east, and including the Northerner's Athletic Club. The land is however set behind the roadside development along Les Effards Road and Les Hougues Magues Road to the south and Les Petites Capelles Road and Le Grand Fort Road to the north, and is not therefore visible in long views from the surrounding area.

The site in itself does however comprise a prominent area of open land forming part of the character of Hougues Magues Lane, extending over 100m along and open to views from that lane and seen against a backdrop of trees to the east. The proposed creation of domestic curtilage would fragment the open land, located centrally on the site and extending c28m across the road frontage, increasing to c32m to the rear of the site, and

would extend the full depth of the site (c50m), equating to an area of c1500m². A new planted earthbank would divide the curtilage from the retained agricultural land to the south, with an area of biodiversity planting indicated within the curtilage to the front (west) of the site. The existing informal driveway would be resurfaced in block paving.

It is accepted that some level of domestic curtilage will be required to facilitate the conversion of redundant buildings for residential purposes, as allowed by Policy GP16(A), however the extent of the curtilage proposed under the current application is disproportionate to the size of the dwelling and goes beyond what would be necessary to support the conversion, demonstrated by the proposal to give over the western part of that curtilage to biodiversity planting.

Whilst the construction of the packing shed in itself has impacted upon the open and rural aspect of this land, that structure was considered under a different policy framework, and under different circumstances, namely that the site was completely covered by glasshouses and the packing shed, set to the rear of those glasshouses, would have been of limited visual impact. The current proposal must now be considered in light of the open character of the site, and would result in an increased encroachment on to the open land to the west and south of the building. It is noted that the position of the building on the site would limit the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 available in this instance, and rights to any remaining provisions which might cause harm to the landscape character, e.g. the provision of fencing or other hard forms of boundary treatment, could be withdrawn by condition. In determining the Rue Coutance appeal (cited above), the Appeals Tribunal however found that the provision of other ancillary development and paraphernalia associated with the creation of a dwellinghouse could have an adverse impact on open landscape character, citing the suburbanising effects of the provision of parking, garden equipment and boundary hedging. Under the current circumstances of the site, and notwithstanding the visual impact of the existing packing shed and the above comments in respect of the Exemptions Ordinance, the ancillary development and paraphernalia associated with a converted dwelling, including the formalisation of the driveway, demarcation of garden boundaries and provision of garden equipment, would result in the suburbanisation of the undeveloped land, resulting in unacceptable harm to the character and openness of the landscape.

The proposal would therefore fail to comply with criterion (f) of Policy GP16(A), criterion (a) of Policy GP15 and the requirements of Policy GP1, and therefore, by extension, would fail to meet the requirements of Policy OC5(B).

In addition to the requirements of these policies, there is an expectation under the Strategy for Nature to seek biodiversity enhancements when considering a change of use of land. Whilst the tree planting on the adjacent land to the east is designated as a habitat of conservation importance, that area would not be impacted upon by the proposed change of use and the designation does not extend to include the site itself. The site is identified as Improved Grassland on the 2018 Habitat Survey, and of lower ecological value than other grasslands. The provision of an earthbank and planting along the east boundary, together with the area of native planting indicated to the front

of the site, where the proposed planting is suitable to the locality, would therefore be considered sufficient to offset the change of use proposed in this case.

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

The provision of dormer windows as proposed would provide additional head room within the bedrooms proposed at first floor level, and those structures could therefore be construed as an extension for the purposes of this policy. Given the limited additional floor space provided by the dormer windows, relative to the overall floor space of the building, the extension would however be considered modest in this case.

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 change of use and physical works proposed would not have any adverse impacts on the amenities and enjoyment of those properties.

In respect of the amenities of the surrounding area, these are defined in Annex V of the Island Development Plan as the desirable or useful features or facilities of a building, property or place which support the health and well-being of the occupiers and users and which contribute to the enjoyment of the building, property or place. In this case, the open rural nature of the site contributes to the character of the area, and therefore the enjoyment and amenities of that area. The harm to the character and openness of the area outlined under (f) above would also therefore have detrimental impact on the amenities of the area.

Residential amenity

The converted building would provide an appropriate level of accommodation for a two-bed dwelling, exceeding the guidance set out in the Technical Housing Standards – nationally described space standard, and achieving adequate levels of daylight. The size and quality of the outdoor space would be generous. Overall, the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Traffic, access and parking provision

The dwellinghouse would utilise the existing site access, shared with the retained agricultural land to the north. Whilst sightlines from that access towards the north would be impeded by an existing tree on the site boundary, the low level of the remainder of the site boundary would enable views along the road when approaching to exit. Furthermore, traffic movements associated with a single dwellinghouse would not result in a significant increase in vehicle movements through the access, or on the adjacent road network, and the proposal would therefore not give rise to road safety concerns, in accordance with Policy IP9 (Highway Safety, Accessibility and Capacity).

There is no evidence of a former access in the south-west corner of the site, and there is a change of levels between the road and the site, with a continuous bank located along the boundary. Permission would therefore be required to create an access in this location. Whilst the provision of a new access could be acceptable in principle under the terms of Policy OC5(B), the submitted plans do not clearly show the location of the proposed access relative to the boundaries of the adjoining property (the parking area on the adjacent property appears to extend across the red site boundary shown on the approved plans) or an existing block structure (possibly a utilities box), and do not demonstrate how the change in levels would be addressed. There is therefore insufficient information to be able to assess this element of the proposals, and it has not been demonstrated that the creation of a new access would meet the terms of Policies GP1 (Landscape Character and Open Land), GP8 (Design) parts a), b) or c) or GP9 (Sustainable Development) part b). In addition, the proposed access appears to be of limited width (c1.5m) and it has not been demonstrated that this would be adequate to support the ongoing use/maintenance of the agricultural land.

The proposed parking area would provide adequate parking for the new dwelling, whilst maintaining access through to the adjacent land parcel to the north, in accordance with IP7 (Private and Communal Car Parking).

The smaller building to the west of the packing shed is proposed to be retained to provide storage associated with the dwelling, including for bicycles, in accordance with IP6 (Transport Infrastructure and Support Facilities).

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details ramped access to the building and good circulation within, and includes a shower room and potential for creation of sleeping accommodation at ground floor level. It is also noted that the partitions could be changed to adapt to changing needs. The proposal would therefore meet the terms of Policy GP8 (Design), parts f) & g).

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations, including enhanced insulation. Permeable paving is proposed to the hardsurfaced areas and electric vehicle charge points are to be included adjacent to the parking area. In the absence of adopted guidance, the information submitted is adequate to meet the requirements of Policy GP9 (Sustainable Development) part a).

Other matters

Concerns are raised in the letters of representation in respect of potential future development at the site. Any such proposal would need to be subject of separate application for planning permission, if proposed by the applicant, and would be subject to consideration on its own merits and against the planning policies in place at the time.

The policies of the Island Development Plan as currently existing do not however allow for new build residential development in this location. The only scope for residential development would be where a proposal comprises the conversion of an existing building, where that building is of sound and substantial construction and capable of conversion without extensive alteration or rebuilding, under the provisions of Policy GP16(A) (Conversion of Redundant Buildings). Whilst a future application cannot be predetermined, on the basis of the information available, there do not appear to be any other buildings at this site which would meet the provisions of Policy GP16(A), nor are there any other extant permissions for development at the site.

The site notice has been displayed in accordance with the Law, assuming that the gate is closed. The gate was closed at the time of the officer site visit and, taking into account the fact that representation has been received and therefore there must have been knowledge of the application, it is considered on the balance of probability that the application has been adequately advertised. In light of this conclusion, together with the recommended decision on the application, it is not considered necessary to re-advertise in this case. Should any future applications be made in relation to this site it is however recommended that the notice be displayed in a fixed position, which is legible from the public highway.

Conclusion

It has not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose and the proposal would therefore fail to meet the requirements of Policy GP16(A) criterion a).

The creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape. The proposal would therefore fail to comply with criterion (f) of Policy GP16(A), criterion (a) of Policy GP15 and the requirements of Policy GP1, and therefore, by extension, would fail to meet the requirements of Policy OC5(B).

There is insufficient information to properly assess the proposal in respect of the creation of a new access in the south-west boundary, and it is not therefore demonstrated that the creation of a new access would meet the requirements of Policies GP1 (Landscape Character and Open Land), GP8 (Design) criteria a), b) or c) or GP9 (Sustainable Development) criterion b).

In light of the above it is recommended that the application be refused.

Date: 16/08/2023

