

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, extend and alter barn to create dwelling.

LOCATION: La Fosse, La Fosse, St. Martin.

APPLICANT: Mr & Mrs D & T Walker

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: 18/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3758 PL01, PL02A & PL03A.

Application Ref: FULL/2023/1223

Property Ref: J01150A001

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.No development shall begin on site until a scheme for the treatment of the north boundary of the amenity space proposed to be associated with the dwelling hereby approved has been submitted to and agreed in writing by the Authority. No use or occupation of the building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To ensure appropriate private amenity space is provided for the proposed dwelling.

5.No development shall begin on site until details of measures to support wildlife have been submitted to and agreed in writing by the Authority. The approved measures shall be implemented in accordance with the agreed details and prior to completion or first occupation of the converted building, whichever is sooner.

Reason - To ensure ongoing provision for wildlife, in accordance with the Strategy for Nature.

6.No part of the dwelling hereby permitted shall be used or occupied until the agreed scheme for cycle provision has been fully implemented. The provision for cycles shall be retained at all times.

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

7.The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 17/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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. Additional measures should 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

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.

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/2023/1223
Property Ref: J01150A001
Valid date: 21/07/2023
Location: La Fosse La Fosse St. Martin Guernsey GY4 6EF
Proposal: Convert, extend and alter barn to create dwelling.

Applicant: Mr & Mrs D & T Walker

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No development shall begin on site until a scheme for the treatment of the north boundary of the amenity space proposed to be associated with the dwelling hereby approved has been submitted to and agreed in writing by the Authority. No use or occupation of the building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To ensure appropriate private amenity space is provided for the proposed dwelling.

5. No development shall begin on site until details of measures to support wildlife have been submitted to and agreed in writing by the Authority. The approved measures shall be implemented in accordance with the agreed details and prior to completion or first occupation of the converted building, whichever is sooner.

Reason - To ensure ongoing provision for wildlife, in accordance with the Strategy for Nature.

6. No part of the dwelling hereby permitted shall be used or occupied until the agreed scheme for cycle provision has been fully implemented. The provision for cycles shall be retained at all times.

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

7. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

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. Additional measures should 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

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.

OFFICER'S REPORT

Site Description:

The application property consists of a group of buildings arranged around a parking courtyard, with domestic gardens located to the north and south. The building to which the application relates is located to the east of that courtyard, is attached to an existing dwellinghouse to the north, and currently provides utility and WC facilities together with miscellaneous storage in association with that dwellinghouse. To the south of the courtyard is a large historic farmhouse and attached independent cottage, the whole of which is a protected building and to the west a detached garage and other outbuildings. The listing of the farmhouse does not extend to include the application building.

The site is enclosed by tall granite boundary walls to La Fosse road to the east and La Querriere to the north, and has a single, narrow vehicular access from La Fosse between the main farmhouse and the south gable of the application building. The site is bounded by residential property to the south, and across the road to the north and east, with the Captain's Hotel also located to the east of the site. To the west the site abuts agricultural land.

The application building is effectively screened in views across the agricultural land from public vantage points to the north-west. The roof of the building is visible from sections of La Fosse, over the roadside wall, and the south gable can be glimpsed through the site access.

The site is located Outside of the Centres, within a Conservation Area, in the Island Development Plan.

Relevant History:

PREA/2022/1966 Pre-application advice regarding conversion of barn to dwelling.

FULL/2017/1785 Install two rooflight balconies on north elevation and replace all existing and previously approved timber windows and doors with upvc windows and aluminium doors. (Variation to FULL/2017/0625). Approved 12/10/2017

FULL/2017/0625 Convert barn into residential dwelling. Approved 22/06/2017

Existing Use(s):

Residential Use Class 1 – Barn within residential curtilage

Brief Description of Development:

Permission is sought to convert the existing barn to a two bed dwellinghouse, including a lean-to extension to the east. Garden for the new dwelling would be provided to the east of the building. Two parking spaces would be allocated to the new dwelling within the existing parking courtyard, and a further two spaces would be retained for the existing attached dwelling.

As part of the conversion it is proposed to replace all windows within existing apertures with upvc and the existing door to the west elevation in timber. A new window would be installed to the east elevation and a former aperture partially reopened and an existing aperture partially blocked up to form a window to the south elevation. It is also proposed to install 4no 1350x800mm rooflights to the west roofslope and 1no 980x780mm rooflight to the east roofslope. The proposed extension would include sliding doors to the east elevation, a window to the south elevation and 2no 1350x800mm rooflights.

The application is supported by a Structural Condition Report.

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

OC1	Housing Outside of the Centres
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

La Societe Guerneslaise comment as follows:

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

We would recommend that the development proposals include adequate provision to support targeted species of birds and bats. *La Societe* would be able to assist with this aspect.

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. Additional measures should 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 ask that the Planning Service consider the issue of light pollution 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:

Whether the proposal complies with policy.

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 current proposal comprises the subdivision of an existing building in residential use to form an additional residential unit and Policy OC1 (Housing Outside of the Centres) would therefore be relevant. That policy states that the creation of new housing through the subdivision of an existing dwelling would only be supported where:

- a. The resultant development would be compatible with the character and amenities of the surrounding area; and,
- b. The development would be acceptable in terms of provision of a satisfactory living environment and amenities; and
- c. The subdivision would not involve more than a modest extension to the existing building to create adequate accommodation and the extension is not of such a scale that it forms a significant part of any new unit.

The application site comprises a former farmstead located within a hamlet of predominantly pre-1900 buildings. Those buildings have been converted, subdivided, extended and altered over time to result in a relatively high density of residential properties, together with the Captain's Hotel. The conversion of the barn at the application site to form an additional dwellinghouse would be consistent with this character and would not result in adverse impacts on the amenities of the surrounding area.

The proposal is for a two bed dwellinghouse, capable of sleeping four persons. The size of the accommodation proposed would exceed the requirements of Part G of the Guernsey Technical Standards and the nationally described space standards. The external amenity space would be adequate for a dwelling of this size, provided the north boundary is appropriately demarked to ensure privacy.

The proposed parking provision would be appropriate for this type of development and it has been demonstrated that there would be adequate parking and turning on site to serve all dwellings. Whilst the parking arrangement is constrained, the positioning of the allocated spaces relative to sensitive rooms/windows in adjacent dwellings would be such that significant impact on the amenities of those dwellings would be prevented.

Overall the proposed dwelling could provide a good living environment, in accordance with part b) of Policy OC1, the requirements of Policy GP8(d) and Annex I: Amenities.

The proposed extension would be modest in terms of relative floor areas, volume and use, and would not form a significant part of the new unit. The proposal would therefore accord with the requirements of Policy OC1.

The application must however, also meet the requirements of Policies GP8 (Design), GP9 (Sustainable Development), IP6 (Transport Infrastructure and Support Facilities) and IP9 (Highway Safety, Accessibility and Capacity) and, as the building is located within a Conservation Area and forms part of the setting of a protected building, must also comply with the requirements of Policies GP4 (Conservation Areas) and GP5 (Protected Buildings) and the statutory duty in respect of such areas and buildings.

The proposed extensions and alterations would achieve a good standard of design which respect the existing building form and would not adversely impact on the character of the area or the setting of the adjacent protected building.

Taking in to account the size and position of the windows proposed in the south gable of the building, and that of those existing in the facing elevation of the farmhouse to the south, it is considered that, notwithstanding the short separation distance, the proposal would not impact adversely on the privacy and amenity of the adjacent dwelling.

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation at ground floor, with the provision of a ground floor WC. Accessibility of the first floor accommodation is constrained by the limitations of the existing building, however potential is identified for provision of a ground floor bed space if necessary.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9, and noting that conversion in itself reduces embodied energy in a development.

Notwithstanding the constraints of the existing access, the addition of a single dwellinghouse would not result in significant road safety concerns taking into account the associated level of traffic and the nature of the surrounding highways. Following deferral cycle storage is proposed within the enclosed amenity space, and installation of this can be controlled by condition.

In accordance with the Strategy for Nature, and taking into account La Societe's comments above and the nature of the existing building, it is recommended that a condition be applied requiring provision of measures to support wildlife to be incorporated within the scheme.

Overall, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and it is recommended that the application be approved, subject to the conditions outlined above.

Date: 15/09/2023

