

**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:** Demolish building, erect dwelling to west of site with associated works and create new vehicle access.

**LOCATION:** Les Rondiaux, Rue Des Rondiaux, St. Pierre Du Bois.

**APPLICANT:** Mr & Mrs Fell

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:** 23/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Lovell Ozanne & Partners Ltd: 10602 S1-03B, 04C, 05C, 06, 07, 08

**Application Ref:** FULL/2023/1515

**Property Ref:** F012700000

**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 commencement of the laying of the patio, details of the extent and finish of that feature shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the patio is of satisfactory design and does not have any adverse impacts.

5.Prior to commencement of laying of the permeable hard surfacing to the driveway and parking area full details of that surfacing, including a written specification for its laying, shall be submitted to and agreed in writing by the Authority. The permeable hard surfacing shall be laid and the solar panels shown on the approved drawings shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6.Prior to installation of the shed indicated on the approved plans for the storage of cycles, details of that shed shall be submitted to and agreed in writing by the Authority. The cycle store shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner. The provision for cycles shall be retained at all times.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the shed is of

satisfactory design and to encourage the use of bicycles as an alternative to the car.

7. Prior to the demolition of the existing stable building approved for conversion under application reference FULL/2022/1533 and as identified on the approved plan, Drawing No 10602-S1-05/C, a method statement for the reinstatement of the land within the footprint of that building shall be submitted to and approved in writing by the Authority. That building shall thereafter be demolished, all ancillary materials, works and structures shall be removed from the site and the land shall be reinstated in accordance with the approved statement prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner.

Reason - To make sure the development takes the form hereby permitted, to ensure the works respect the special interest of the protected building and to satisfy Policy GP16(B) of the Island Development Plan.

8. The landscaping scheme shall be fully completed, in accordance with the approved plans, in the first planting season following the first occupation of the dwelling hereby approved, or completion of the development, whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to provide biodiversity and landscape enhancements and to ensure the satisfactory division of the site.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

**Expiry Date: This permission will cease to have effect on 22/01/2027 unless development is commenced by that date.**

## **ADVICE AND OTHER REMARKS:-**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email [societe@cwgsy.net](mailto:societe@cwgsy.net).

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](http://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](mailto: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/2023/1515  
**Property Ref:** F012700000  
**Valid date:** 18/09/2023  
**Location:** Les Rondiaux Rue Des Rondiaux St. Pierre Du Bois Guernsey  
GY7 9SQ  
**Proposal:** Demolish building, erect dwelling to west of site with  
associated works and create new vehicle access.  
  
**Applicant:** Mr & Mrs Fell

**RECOMMENDATION - Grant: Planning Permission with Conditions:**

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

## **INFORMATIVES**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email [societe@cwgsy.net](mailto:societe@cwgsy.net).

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## **OFFICER'S REPORT**

### **Site Description:**

The site ownership comprises a detached and extended farmhouse, with associated outbuildings, set in the north-east corner, with grounds extending to the south and west and agricultural land to the south. The site ownership is bordered by agricultural land to the east and south and the Rue des Rondiaux runs along the

north and west boundaries, separating the land from further agricultural land to the west and a residential property to the north. The domestic curtilage includes the farmhouse and ancillary structures and the grounds to the south and west, forming the whole of the Cadastre parcel F012700000.

The exterior of the main farmhouse building, together with the roadside walls, is protected. The single storey rear structure, glazed structure and outbuildings are excluded from the listing.

The application site includes the western and southern parts of the domestic curtilage and the former stables building located to the south of the farmhouse, previously approved for conversion to a separate dwellinghouse.

The site is located Outside of the Centres, within a designated Agriculture Priority Area, in the Island Development Plan. The site has archaeological value and is located within the Western Airport Public Safety Zone.

**Relevant History:**

FULL/2022/1533 Convert stables/outbuilding to a residential dwelling with associated parking. Approved 19/01/2023

**Existing Use(s):**

Residential Use Class 1

**Brief Description of Development:**

Permission is sought to demolish the existing stables and to erect a new one bed single storey flat roof dwelling to the south-west of the site. A new access is to be formed in the west site boundary, on to the existing track serving the agricultural land to the south.

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

|         |                                                                  |
|---------|------------------------------------------------------------------|
| OC1     | Housing Outside of the Centres                                   |
| GP1     | Landscape Character and Open Land                                |
| GP5     | Protected Buildings                                              |
| GP7     | Archaeological Remains                                           |
| GP8     | Design                                                           |
| GP9     | Sustainable Development                                          |
| GP16(A) | Conversion of redundant buildings                                |
| GP16(B) | Conversion of redundant buildings – Demolition and Redevelopment |
| GP17    | Public Safety and Hazardous Development                          |
| IP6     | Transport Infrastructure and Support Facilities                  |
| IP7     | Private and communal car parking                                 |
| IP9     | Highway Safety, Accessibility and Capacity                       |

## **Representations:**

*La Societe Guernesiaise* comments as follows:

In respect of this application, we would suggest that the proposals do not meet GP1: Landscape Character and Open Land -

Point A 'respects the relevant landscape character type within which it is set'

Point B 'does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned'

In relocating the proposed development into an undeveloped location, we believe that these two aspects are not met. The proposals seek to develop land which has never been developed on previously and effectively extend the footprint of developed land on the largely rural site by an estimated 50%.

We would further suggest that an element of GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment is not met -

Point E 'it can be demonstrated that the new building can be constructed in such a way as to not have any adverse impacts on the landscape character or openness of an area'.

We would also suggest that GP8: Design is not met, in particular -

Point B 'demonstrate the most effective and efficient use of land'

The proposals remove a building from an existing complex of buildings and relocate it within an undeveloped parcel of Agricultural Priority Area. In effect, the same amount of development would be spread over a much larger area of land, much of which is currently undeveloped.

Point C 'respect the character of the local built environment or the open landscape concerned'

By spreading development over land which is currently undeveloped, we would suggest that the open landscape of the area is not respected.

Further, we do not believe that the proposals would achieve a net ecological gain as required under the local Strategy for Nature (SfN) 2020.

Finally, 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. In particular, we would ask that consideration be given to the increased light pollution which would arise from the new development.

### **Consultations:**

*Guernsey Airport* comment as follows:

The proposed dwelling does not impede the approach lighting masts and does not cause issues from an obstacle limitation surface point of view either, this is strictly on the proviso the dwelling doesn't exceed the height of the nearby trees.

Guernsey Airport subsequently confirmed that, as the solar panels are south facing, there would be no objections to those features.

### **Summary of Issues:**

Design and impacts on the character of the area and setting of adjoining protected buildings;

Enhancements in sustainable development;

Impacts on landscape character and openness, specifically relating to the repositioning of the building on the site;

Provision of biodiversity enhancements;

Access, parking and cycle storage.

### **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 OC1 (Housing Outside of the Centres) indicates that new dwellings will only be supported where the proposal is achieved through the subdivision of an existing dwelling or the conversion of a redundant building, in accordance with Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings).

In this case, permission has been granted for the conversion of the building which forms the subject of this application under Policy GP16(A), and permission is now sought for the demolition of that building and the construction of a new dwelling under Policy GP16(B).

Policy GP16(B) states that the demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

*a. the conversion scheme has first been granted planning permission;*

The conversion of this building was approved 19/01/2023, under reference FULL/2022/1533.

*b. the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded;*

The proposal remains for a single one bed dwellinghouse.

The relative volumes of the approved and proposed schemes would be measured externally. Therefore, notwithstanding the comments made in the submitted documents, measuring from the approved plans, the volume of the approved scheme would be c185m<sup>3</sup>. The volume of the proposed scheme would be c182m<sup>3</sup>, representing a reduction in the volume of the building.

The floor space of the approved scheme is stated to be 39m<sup>2</sup>, and that of the proposed scheme is stated to be 47m<sup>2</sup>, representing a 20% increase in floor area. This increase is accepted as being broadly the same as the floor space of the approved scheme, particularly when taking into account the reduction in volume.

*c. where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area;*

As noted under the previous application, the existing building is of simple form, reflecting its original purpose, and, whilst in part historic, has been subject to alteration over time and does not comprise a building of particular character. Furthermore, the building is located to the rear of the main building at the site, and is of limited visibility from the surrounding roads. Further consideration against this criterion would not therefore be required.

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 or open landscape type, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. The requirements of Policy GP8 are considered further under criterion e) below.

*d. it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design;*

This criterion reflects the requirements of Policy GP9(a) (Sustainable Development).

The submitted information states that the building is proposed to be relocated and reoriented on site to maximise opportunities for daylight and sunlight, incorporating large glazed areas to the longer south elevation, whilst incorporating solar shading to prevent overheating in summer.

The submitted information states that the building design and materials, in terms of construction and finish, have been selected to achieve high levels of thermal efficiency and air tightness performance, whilst being sustainably sourced.

Solar panels are proposed to the roof of the building.

All paving is to be permeable, to aid in the management of surface water.

Overall, it is considered that the improvements in sustainable construction outlined within the application would be sufficient to meet the terms of this criterion, and installation of the solar panels and the method of laying and use of permeable paving can be controlled by condition.

*e. it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area;*

This criterion reinforces the requirement set out in Policy GP1 that a proposal not result in the loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area and, as stated above, links in with the considerations under Policy GP8.

In respect of landscape character, this site is set within the Upland Plateau landscape character type as defined within Annex V of the Island Development Plan. That landscape type is stated to be characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures, and interspersed through this field pattern are a series of small scattered settlements. It is also noted that the landscape fabric generally keeps views short. This description is appropriate to the context within which the application site sits. The existing buildings at the site form part of the scattered residential properties located within a network of tree-lined lanes and open land to the south of the St Pierre du Bois Local Centre, and views of the site are limited to the immediately surrounding lane, heavily obscured by the planting on the site boundaries.

The existing building is well related to the existing building group at the site and, taking into account this relationship, together with the nature and positioning of the existing building, does not have any adverse impact on landscape character of openness.

The proposed new dwelling would be re-positioned to the west of the site, away from the existing building group and towards the adjacent open land. The land itself is

however recognised as domestic curtilage which, as defined in the IDP (see “Brownfield” in Glossary), comprises previously developed land and cannot therefore be considered as undeveloped land for the purposes of Policy GP1.

The land does however sit within a wider area of open land to the west and south and the introduction of a building in the proposed location could intrude into the openness of the area. The boundaries of the application site are however densely vegetated, and are to be retained as such, and the building as currently proposed would be a single storey, flat roof structure, and substantially screened from the surrounding roads. It would therefore be difficult to state that the building would have an unacceptable impact on the open landscape character of the area. Whilst it is noted that, once complete, further applications could seek to increase the size, or specifically, the height, of the dwellinghouse, any such application would have to be considered on its own merits and would need to meet the relevant planning policies at the time of consideration. The proposal as submitted would therefore comply with Policies GP1, GP8c) and GP16e).

In respect of the remaining criteria of GP8, the proposed replacement building would be of simple form and design, remaining subservient to the farmhouse at the site, and would utilise natural materials. The building has therefore been designed to minimise its impacts. Whilst relocated away from the existing building group, as previously stated, the whole of the land parcel is domestic curtilage and, arguably, the proposal could be considered to result in a more effective division of that land.

Taking into account the robust planting existing to the site boundaries there is no need for additional planting to ameliorate impacts outside of the site, nor is there any need to offset impacts arising from a change of use, given the current designation of the land as curtilage. Additional planting is however proposed along the new boundary between the curtilage to be retained with the farmhouse and that to be associated with the new dwelling. The proposed hedge planting is of appropriate species and planting density. Implementation can be controlled by condition.

The proposed driveway and parking are limited in area and the position of the parking on site would limit visual impact and potential for further expansion. The proposed patio area is not clearly delineated on the plan and it is recommended that further details of this feature, together with the finish and method of laying of all hardsurfacing, is controlled by condition.

Overall, the proposed scheme would therefore achieve a good level of design, which would not have any adverse impacts on the character of the area, in accordance with Policy GP8 (Design).

The dwellinghouse would be located within the existing domestic curtilage associated with Les Rondiaux, and there are no current restrictions on exemption rights applicable to the land. Whilst the proposal would represent an intensification

of the use of the curtilage, it would not be reasonable to remove existing exemption rights which apply to the land.

*f. it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area.*

This criterion is reflected in Policies GP8(d) and GP9(b).

The application would relocate the proposed dwelling away from the existing dwellinghouse at the site, and any other residential properties in the area, and there would be no increased impacts on the amenities of those properties.

#### Access, parking and amenity

Access would be provided from the existing agricultural access track to the west of the site (falling within the same ownership as the application site), with a new access point formed in the boundary between the track and the site. There would be no alterations to any roadside boundary. Set back from the roadside, this work, whilst resulting in the removal of a section of bank and some vegetation, would not have any significant impacts on landscape character and would not open up significant views into the site.

The proposal would not result in significant numbers of vehicle movements through the access and would achieve good visibility to the north. The sightline to the west would be impeded by the roadside bank, however, taking into account the position of the gateway relative to the geometry of the road and the straight approach from the west, together with the low number of vehicle numbers both through the access and on the road, it is considered the proposal would not give rise to significant road safety concerns, such as would warrant refusal of the application.

Appropriate parking is provided and covered cycle storage is indicated, and details and implementation can be controlled by condition.

The proposals would therefore accord with Policies GP8(d), IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and communal car parking) and IP9 (Highway Safety, Accessibility and Capacity).

#### Accessibility, adaptability and waste management

The proposed accommodation is provided over a single floor, and will meet the requirements of Part M of the Building Regulations, being accessible for all users, and is designed to be adaptable in accordance with Policy GP8 (f)&(g).

Following deferral, a Waste Management Plan has been submitted in support of the proposal, the implementation of which could be monitored by way of condition.

### Other matters

Whilst not protected in its own right, the existing building approved for conversion forms part of the setting of the protected farmhouse. As noted above, it has previously been established that the building is not itself of intrinsic value and it is not of high value in the setting of the protected building. Demolition as proposed would not therefore have an adverse impact on the setting of the protected building and would be acceptable under Policy GP5.

Policy GP16(B) only provides a gateway for the proposed development where the proposal is for the demolition and redevelopment of an existing building. In this case, as the proposed replacement building is not located within the footprint of the existing building, and taking into consideration the separation of the existing and proposed dwellings on site, it would be necessary to ensure that the existing building is demolished prior to construction of the new building through the application of a condition to the decision.

### Conclusion

On balance, the proposal is considered to accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

**Date: 16/01/2024**

