

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: Change of use of agricultural land to domestic land (887sqm) and hardsurfacing to agricultural land to create track to north-west of site (retrospective). Demolish existing dwelling and cow shed, erect replacement dwelling and associated works (Protected Building).

LOCATION: Les Videclins Farm, Candie Road, Castel.

APPLICANT: Mr & Mrs Avery-Wright

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: 12/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1197_49B, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 67, Appendix_01, Appendix_2, Appendix_3, Appendix_4, Appendix_5, Appendix_6, Appendix_7 & Appendix_8.
DLM Architects: Sustainability Checklist 1197 Videclins House

Application Ref: FULL/2023/1527

Property Ref: D002570000

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 precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted and its provision supports the biodiversity of the site.

5.No occupation of the new dwelling shall begin until the 'green roof' has been completed in accordance with the details agreed under the above condition 4. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted and its provision supports the biodiversity of the site.

6.The landscaping scheme shall be fully completed, in accordance with drawing number 1197_Appendix_01, in the first planting season following the first occupation of the development or completion of 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 - In the interests of visual amenity.

7.The existing octagonal timber structure located outside of the hereby approved domestic curtilage shall be removed from the site or relocated to the hereby approved domestic curtilage by 31/12/2024.

Reason - To ensure existing domestic structures are removed from the agricultural land.

8.The hereby approved wall and gate forming the west boundary of the extended domestic land shall be installed/completed prior to the first occupation of the development or completion of development whichever is the sooner.

Reason - To ensure there is a suitable physical boundary to define the extent of domestic and agricultural uses.

9.The solar panels shall not be installed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels and all other sustainable design features set out in the Sustainable Development statement 1197_67 and the Sustainability Checklist 1197 Videclins House have been installed/completed/made operational.

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

10.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 11/01/2027 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 buildings are located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need

to be taken (including inspections prior to any building works or 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 by emailing info@societe.org.gg.

Your attention is drawn 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 recommended that external lighting is avoided or kept to a minimum.

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/2023/1527
Property Ref: D002570000
Valid date: 28/09/2023
Location: Les Videclins Farm Candie Road Castel Guernsey GY5 7BX
Proposal: Change of use of agricultural land to domestic land (887sqm) and hardsurfacing to agricultural land to create track to north-west of site (retrospective). Demolish existing dwelling and cow shed, erect replacement dwelling and associated works (Protected Building).

Applicant: Mr & Mrs Avery-Wright

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

4. No development shall begin on site until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted and its provision supports the biodiversity of the site.

5. No occupation of the new dwelling shall begin until the 'green roof' has been completed in accordance with the details agreed under the above condition 4. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted and its provision supports the biodiversity of the site.

6. The landscaping scheme shall be fully completed, in accordance with drawing number 1197_Appendix_01, in the first planting season following the first occupation of the development or completion of 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.

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Reason - To ensure existing domestic structures are removed from the agricultural land.

8. The hereby approved wall and gate forming the west boundary of the extended domestic land shall be installed/completed prior to the first occupation of the development or completion of development whichever is the sooner.

Reason - To ensure there is a suitable physical boundary to define the extent of domestic and agricultural uses.

9. The solar panels shall not be installed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels and all other sustainable design features set out in the Sustainable Development statement 1197_67 and the Sustainability Checklist 1197 Videclins House have been installed/completed/made operational.

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

10. 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.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The buildings are located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need to be taken (including inspections prior to any building works or 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 by emailing info@societe.org.gg.

Your attention is drawn 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 recommended that external lighting is avoided or kept to a minimum.

OFFICER'S REPORT

Site Description:

The site comprises of a former farmstead consisting of a 19th century house, a 17th century house (barn B), a granite outbuilding/barn (barn A) and modern agricultural buildings. The whole of the 17th century house and the whole of the exterior of the barn, together with the roadside walls and well head are a protected building. To the north, south and west is agricultural land which is also under the applicant's ownership. The site is located on the side of Fauxquets Valley in an agricultural landscape a short distance above the convergence of the Fauxquets and Talbot

Valleys which lead down to King's Mills. The buildings are gable to the road and contained behind a high stone wall which contributes to the composition of the group of buildings. The Site is Outside of the Centres and within an Agriculture Priority Area.

Relevant History:

26/11/2019 – FULL/2019/1775 – Permission granted to demolish store to east elevation Les Videclins Cottage/Barn B (Retrospective) (Protected Building)

29/04/2019 – FULL/2019/0235 – Permission granted to erect extension to Barn A

28/03/2019 – FULL/2019/0025 – Permission granted to demolish and rebuild chimney, internal alterations and temporary strip out works to facilitate structural repairs to Barn B/Videclins Cottage (Protected Building)

03/10/2018 – FULL/2018/1508 – Permission granted to erect replacement pitched roof extension to north-east gable and erect single storey colonnade (Protected Building)

22/05/2018 – FULL/2018/0470 – Permission granted to convert barn A to ancillary domestic accommodation including install additional rooflights and associated landscaping

25/01/2018 – FULL/2017/2118 – Permission granted to demolish existing outbuildings and extensions, extend domestic curtilage, construct basement extension and two storey extension to side and rear of dwelling incorporating terraces at ground, first and second floor levels and alterations to fenestration (protected building) (Revised)

28/11/2017 - FULL/2017/1279 – Permission granted to install replacement roof, windows and doors and re-point granite walls to barn B (protected building)

06/09/2017 – FULL/2017/1278 – Permission granted to install replacement roof, windows and doors and re-point granite walls to barn A (protected building)

Existing Use(s):

Residential use class 1: dwelling house – Dwelling and associated domestic curtilage
Agricultural use class 28 – Remainder of site

Brief Description of Development:

Planning permission is requested to demolish the existing 19th century house, cow shed and pottery building and erect a replacement contemporary flat roof dwelling. The replacement dwelling comprises of a single storey building orientated west to east on the approximate footprint of the existing main house, a 2 storey building

orientated north to south partly on the footprint of the existing cow shed and pottery building, and a single storey glazed link connecting the two buildings. The dwelling is proposed to be finished predominantly with reclaimed granite walls, bronze fenestration and a green roof. Permission is also sought to change the use of a section of agricultural land measuring 887sqm to domestic land and retrospective permission is requested to surface an agricultural track in gravel.

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

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Policy GP15: Creation and Extension of Curtilage

Representations:

Two letters of representation were received, main points as follows:

- One representation supports the proposal on the basis that it will improve the character and appearance of the area and the amenities of neighbouring properties.
- One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats and other wildlife particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the existing complex, particularly the roofspaces, are inspected for current or recent use by bats by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.
- La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.
- La Société Guernesiaise also advise that they remain concerned about the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, they seek to optimise ecological gains. Whilst the application includes reference to landscaping which has already been completed, insufficient details are provided to consider the suitability of any planting in terms of biodiversity and the photos provided appear to indicate much of the

planting is ornamental, formal in nature and with associated non-native amenity hedging.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the appearance and character of the area.
2. Design and impact of the development on the setting of the protected building.
3. The loss of agricultural land within an Agriculture Priority Area.

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).

Permission was granted to erect a contemporary 2 storey extension to the west of the existing dwelling in January 2018 (FULL/2017/2118). The works to extend the existing dwelling were not undertaken and a revised scheme is now sought to demolish and rebuild the dwelling.

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties and taking into account the surrounding character.

The existing dwelling is of a traditional design which is sympathetic to the character and appearance of the protected buildings to the north-east. Whilst the dwelling includes later flat roof additions to the rear and front which detract from its character and appearance, as a whole the dwelling makes a positive contribution to the character of the area.

The replacement dwelling is of a contemporary design with single and 2 storey elements. The main bulk of the replacement dwelling would be located to the west away from the public highway and would have a limited visual presence in views from Candie Road. The single storey design of the eastern section of the replacement dwelling would result in a substantial reduction in the mass and bulk of the dwelling when viewed from Candie Road and it has the potential to increase the sense of

openness and to open up public views towards the coast from Candie Road. The two storey western section of the replacement dwelling would be partially visible in views across the valley from a public footpath to the west. However, in these viewpoints the dwelling would be partially screened by existing tree planting and it would be seen against mature trees forming the skyline which would result in the replacement dwelling having a limited impact on the openness and landscape character of the area.

The property is not located within a Conservation Area or other sensitive area, as set out in the preceding explanation to Policy GP8. Policy GP8 provides support for personal choice in design matters in such circumstances and as a result in principle a contemporary design can be supported. The contemporary design would contrast with the protected buildings to the north-east but due to its siting and layout, it would have no adverse effects on the setting of the protected buildings.

The building is generally proposed to be finished in high quality materials and has clearly been designed in response to and to take advantage of the particular characteristics and topography of the site and its surroundings. The overall design of the dwelling achieves a high standard of design and together with the potential to improve the openness and public views towards the coast from Candie Road, the replacement dwelling would enhance the character of the area and make a more positive contribution than the existing dwelling. The replacement dwelling accords with Policies GP1, GP8 and GP13.

Due to the distance to and relationship with neighbouring properties, the proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

The application is supported by a Sustainable Development Statement and a Sustainability Checklist which sets out how the development has been designed to take into account sustainable design principles. The information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources and that the replacement dwelling will be significantly more efficient than the existing dwelling and the requirements of the Guernsey Technical Standards, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

The proposal to extend the domestic curtilage to the north and west falls to be considered principally under Policies GP15, GP1 and OC5(A).

The site is not within an Area of Biodiversity Importance and no existing boundary features are proposed to be removed. The use of this land for domestic purposes is compatible with surrounding properties and the proposal would have no adverse effects on neighbouring residents.

The area to the north of the dwelling largely consists of an existing track which provides access to the dwelling and agricultural land to the west. Together with the size, shape and relationship of this parcel of land with the existing dwelling, the land is likely to have very limited practical use from a commercial agriculture perspective. The proposed change of use of the land to the west of the proposed dwelling involves a 2m wide strip of land and would provide a more logical boundary between domestic and agricultural uses by following existing features in the form of a hedge and wall. It is evident that there has been a blurring of domestic and agricultural uses on the site as a whole, for example the siting of a summerhouse. To provide a more definitive boundary between agricultural and domestic uses and to encourage the agricultural use of the remaining agricultural land, there could be merit in enabling the proposed modest extension to the domestic curtilage. The land in question is well associated with existing domestic land and buildings, it is not prominent in public views and the change in the management of the land for domestic purposes is unlikely to have any unacceptable detrimental impacts on the landscape character of the area. The proposed extension to the domestic curtilage accords with Policies GP15, GP1 and OC5(A).

Substantial planting has been undertaken recently within the area of proposed extended domestic curtilage. Whilst details of the planting have not been submitted and planting undertaken may not be of entirely native species, when combined with the previous use and condition of this area of land and the proposed planting on the remainder of the site, including the substantial green roofs, it is highly likely that as a whole the proposal will result in a proportionate enhancement to biodiversity.

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats and other wildlife. To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012. In addition, La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Retrospective permission is sought to create a gravelled track to the west of the dwelling. The gravelled track replaces a former longstanding track and as a result there is no loss of productive agricultural land. Whilst the gravelled track is overly formal, it is not prominent in public views and it would have no significant adverse effects on the wider landscape character of the area.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 10/01/2024