

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, extend and alter former horticultural building to create a dwelling and associated works including erect earthbank, hardsurfacing and alter vehicle access to agricultural track (Revised Scheme).

LOCATION: Courtil Des Couleurs, Route Du Planel, Torteval.

APPLICANT: Mr K Enevoldsen

I refer to the application referred to below received as valid on 22/05/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/08/2024

Drawing Nos: PF+A Ltd: 7794-01/B1A, B2A, B3A

Application Ref: FULL/2024/0913

Property Ref: G00148A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards. The proposed extension is necessary to form a dwelling and therefore the extension would form a significant part of the proposed dwelling, contrary to Policy GP16(A) part (g), and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

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/2024/0913
Property Ref: G00148A000
Valid date: 22/05/2024
Location: Courtil Des Couleurs Route Du Planel Torteval Guernsey GY8 0LX
Proposal: Convert, extend and alter former horticultural building to create a dwelling and associated works including erect earthbank, hardsurfacing and alter vehicle access to agricultural track (Revised Scheme).
Applicant: Mr K Enevoldsen

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards. The proposed extension is necessary to form a dwelling and therefore the extension would form a significant part of the proposed dwelling, contrary to Policy GP16(A) part (g), and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

OFFICER'S REPORT

Site Description:

The western section of the site comprises of an agricultural field and the eastern section of the site comprises of a former horticultural site which has recently been cleared of glass. There is a former horticultural building in the form of a single storey lean-to building along the south boundary of the site. The site is within an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

02/05/2024 – FULL/2024/0020 – Application refused to convert, extend and alter former horticultural building to create a dwelling and associated works including erect earthbank, hardsurfacing and alter vehicle access to agricultural track.

30/11/2023 – PREA/2023/1980 – Pre-application enquiry regarding convert building to a dwelling.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission is requested for a revised scheme to convert, extend and alter a former horticultural building to create a one bedroom dwelling. The revisions to the previously refused scheme (FULL/2024/0020) involve a reduction in the size of the extension to the north of the building and additional details have been provided about biodiversity enhancements and a proposed bicycle store. The dwelling would be accessed via a gravel/hoggin surfaced track to the south onto Route de Pleinmont. The works also involve erecting an earth bank along the west boundary of the access track and the north boundary of the domestic land associated with the proposed dwelling.

The application is accompanied by a structural report and a Biodiversity Statement.

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

Policy OC1: Housing Outside of the Centres

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(A): Conversion of Redundant Buildings

Policy GP17: Public Safety and Hazardous Development

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received from the neighbouring property to the south, main points as follows:

- Concerns were raised about the impact on the amenities of the neighbouring property due to the close proximity of the proposed dwelling and the likelihood of noise disturbance.
- Impact on property values.
- There would be less concerns if the dwelling is built in another area of the field.

Consultations:

The Office of Environmental Health and Pollution Regulation, 19/01/2024 – consult submitted during previous application FULL/2024/0020.

“I have reviewed the proposed plans for the conversion of former horticultural building to a dwelling at the above site.

I have interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show there were once heated greenhouses at the site. There is consequently the potential for the land to be contaminated. I would therefore recommend that the following condition is attached to any consent granted for this application:

Potential Land Contamination:

Please note this is one condition with multiple sub-sections:

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

- (i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

- (i) (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by Planning Services,

- (i) (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to Planning Services verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

Informatives/Advice Notes

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

I would be grateful if these issues are considered during the determination of this application”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the existing building is of sound and substantial construction and is capable of conversion to a residential use without extensive alteration or rebuilding.
3. The impact of the development on the character and openness of the landscape.
4. The impact on the amenities of neighbouring residents.

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 Spatial Policy of the Island Development Plan, expressed through Policy S1, 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.”

This approach is reinforced through Policy S4 and the introduction to Part 3 of the Plan, *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.

Policy OC1 sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A). 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.

The former glasshouses have been cleared and consequently the site is not considered a redundant glasshouse site.

The former horticultural use of the land has ceased, the glasshouses have been cleared and therefore it has been demonstrated that the building is no longer required for its last known purpose.

The structural report advises that the building is generally in good condition, the walls are robust and form a structurally stable frame, the foundations are adequate and have capacity to support current loadings and except for the replacement of a lintel over the gable doors, no other structural remedial works are required. The structural report concludes that the proposed alterations include minimal structural changes and the building is suitable for conversion to a residential dwelling.

The proposed alterations to the building include the replacement of the roof covering, the replacement of fenestration, the installation of external insulation and the erection of an extension to the north elevation amounting to a 19% increase in the floor area of the existing building. Whilst the cumulative extent of works involved to the existing building are relatively substantial, the majority of the works relate to upgrades to the building to improve its thermal performance as opposed to structural remedial works. As a result, the proposed works may not amount to extensive alterations or rebuilding of the existing building for the purposes of Policy G16(A).

Paragraph 19.17.8 of the preceding explanation to Policy GP16(A) states that “Proposals to convert an existing building may be accompanied by a modest extension provided that the extension is not of such scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy”. The existing building is of a limited size, measuring less than 30sqm, and by itself it would not be large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards. Whilst the overall floor area of the proposed extension has been reduced from the previously refused scheme and is stated as measuring 5.32sqm, a 19% increase in floor area, due to the limited size of the existing building, in the context of this building the extension would form a significant part of the proposed dwelling as the extension is required to meet the minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards. The proposal therefore does not accord with part (g) of Policy GP16(A).

Paragraph 16.1.7 of the preceding explanation to Policy OC1 states that “Schemes to subdivide dwellings or to convert redundant buildings may be accompanied by a modest extension provided that the extension is not of such scale or significance that it forms a significant part of a new unit, in effect creating a new build dwelling contrary to this policy. Therefore, the building will need to be capable of subdivision or conversion without the need for significant extension”. In addition, paragraph 16.1.6 states that “The relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will need to be taken into account in determining whether a proposed unit offers an adequate standard of accommodation”. As the existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling as set out in the Guernsey Technical Standards and the proposed extension is necessary to form a dwelling, the extension does form a significant part of the proposed dwelling and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres which is precluded under Policy OC1.

The existing building is not of either architectural or historic interest and is not a building of character that makes a positive contribution to the character and appearance of the area. The site is bounded to the south by neighbouring residential properties. However, the positioning of fenestration and relationship with neighbouring properties is unlikely to result in any unacceptable adverse effects on the amenities of the neighbouring properties.

The application site is located in a rural area interspersed with individual or groups of dwellings, largely situated along highways. The site is bounded to the east, north and west by agricultural land and it forms part of a wider area of open and undeveloped land. The dwelling and proposed domestic curtilage would be situated along the rear boundary of neighbouring residential properties and confined to the south-east corner of the site. There is an expectation that a dwelling would be served by an associated area of domestic land. In this respect the proposed area of domestic land (approximately 420sqm) is of a reasonable size to serve a dwelling of this size and nature, it is well grouped with existing dwellings, it would not unduly project into the wider area of open and undeveloped land and its size and siting would not result in an unacceptable loss of agricultural land within the Agriculture Priority Area. As a result, the proposal in effect rounds off the existing adjoining built development to the south, whilst retaining the openness and landscape character of the site as a whole. The proposed conversion of the building to a dwelling and its associated domestic land is unlikely to have any unacceptable impacts on the character and openness of the landscape, in accordance with Policies GP1, GP15 and GP16(A).

The impact of the development on property values is not a material planning consideration.

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.

In summary, as the existing building by itself is not large enough to meet minimum internal space standards for a single person one bedroom dwelling and the proposed extension is necessary to form a dwelling, the extension forms a significant part of the proposed dwelling and the proposal is tantamount to the erection of a new build dwelling Outside of the Centres, contrary to Policies GP16(A) and OC1. It is therefore recommended that the application is refused.

Date: 28/08/2024