

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, replace roof and alter building to create dwelling and associated works, alter access and erect pedestrian and vehicle gates to south-west boundary (Part Retrospective) (Protected Building).

LOCATION: Les Vardes Farm, Route De Port Grat, St. Sampson.

APPLICANT: Mr & Mrs P Stenner

I refer to the application referred to below received as valid on 29/07/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/01/2025

Drawing Nos: 2314/ 4A, 4A1, 5A

Application Ref: FULL/2024/1197

Property Ref: B019640000

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 proposed development, if permitted, would result in the obscuring of the traditional stone gable parapets of the building which make a positive contribution to the special interest of the building and the group value of the collection of protected buildings. The proposal would alter the roof form and its proportions and would detract from the overall special interest of the protected building and does not represent a reasonable aspiration of the property owner that would outweigh the harm caused. The scheme is therefore contrary to Policy GP5 of the Island Development Plan.

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/2024/1197
Property Ref: B019640000
Valid date: 29/07/2024
Location: Les Vardes Farm Route De Port Grat St. Sampson Guernsey
GY2 4TB
Proposal: Convert, replace roof and alter building to create dwelling and
associated works, alter access and erect pedestrian and vehicle
gates to south-west boundary (Part Retrospective) (Protected
Building).
Applicant: Mr & Mrs P Stenner

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in the obscuring of the traditional stone gable parapets of the building which make a positive contribution to the special interest of the building and the group value of the collection of protected buildings. The proposal would alter the roof form and its proportions and would detract from the overall special interest of the protected building and does not represent a reasonable aspiration of the property owner that would outweigh the harm caused. The scheme is therefore contrary to Policy GP5 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The building forms part of a complex of buildings situated behind roadside frontage development to Route de Port Grat. The building has a granite exterior and pitched roof. At the time of the officer site visit, the building was covered by wrapped, scaffolding and it appeared that joints were scraped out ready for repointing.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

The exterior of the house and the exterior of the outbuildings, attached to the house and detached, together with the circular trough, the monolithic gate posts, the roadside and garden walls are Protected. The south wing, the west wings and the lean-to glasshouse/shed and the glasshouse are excluded from the listing.

Relevant History:

FULL/2024/0097 - Install cladding and door to south-west gable to outbuilding.
(Protected Building) – granted

The curtilage of the site was defined in 2024.

Pre-application advice has been sought in this case.

Existing Use(s):

01 dwelling

Brief Description of Development:

The application relates to the change of use of an existing ancillary domestic outbuilding to a dwelling containing an open plan living/kitchen room and shower room on the ground floor and a bedroom and study (or single bedroom) at first floor level within the roofspace. One rooflight is proposed to the north roofslope and four are proposed to the south roofslope of the building. A new door in a new opening is proposed to the west elevation and existing windows/doors to the north, south and east elevations are to be replaced. The application drawings include reference to proposed internal insulation works.

Access and parking is shown around the building, with vehicular access via an existing right of way to the west of the site (main access is to the east). Steps up are indicated between the parking area, and lower amenity space beyond, to the building entrance and a separate gated pedestrian path is shown to the south of the building, connecting through to the wider Les Vardes Farm site (Part M compliant). A second gravel drive is also proposed to the south of this pathway, served by a vehicular access gate.

A low wall is indicated to be rebuilt, and extended, around the front garden area to the west of the building, classed as the Upper Amenity Area, with a timber fence (0.9m high) between the amenity area and southern pedestrian path.

Retrospective permission is sought for the installation of a pair of metal vehicle and pedestrian gates.

The attached single-storey building is proposed to be utilised as a store for cycles, refuse and other domestic storage, with the existing door widened for this purpose. This will require the existing wall within the building to be constructed to full height as currently this part of the building is largely open to the remainder of the larger building to the east.

The scheme refers to the removal of a WWII minefield datum marker stone, this is to be donated to Festung Guernsey for public display.

A covering letter has been provided in this case which addresses Policy GP5 and the special interest of the building/site, concluding that it is of lower relative importance than other more substantial and higher status buildings on the site. The application provides an argument for the use of PVCu windows and doors in this case. The use of conservation rooflights and heritage cast iron rainwater goods and new pantiles to the roof are set out as offering enhancements to the building.

It notes that there has been evidence of the building having been used as a unit of residential accommodation in the past. The submission sets out that the building is redundant and no longer suitable for a stabling or agricultural use and that as it is recognised as falling in Use Class 1 whilst it may be capable it does not necessarily follow that it will be needed for an ancillary domestic purpose. The letter touches on matters covered in the Structural Inspection document relating to more extensive works proposed (to timber and non-structural elements) that would offer substantial extension to the lifespan of the building which would improve the appearance of the building enhancing its historic character and special interest along with the setting and interest of the wider farmstead complex.

The application has been accompanied by a Structural Inspection document based on a general visual inspection and trial pits to the north and south of the property. Concealed parts of the structure, woodwork and drainage have not been examined. This notes that the barn has been altered with the eaves and gables raised and the proximity of the building to the quarry where very frequent blasting has been undertaken for decades. The document reports that vibration contributing to cracking could not be ruled out but the lack of damage is a form of demonstration that the building is of sound and substantial construction. The first floor and roof construction are both considered adequate for its current use/purpose. It is indicated that some work would be necessary to address the existing joist spacing in order to comply with the current standards and the roof would benefit from enhanced fixings between the plate and wall.

Although it is noted that the existing roof covering could be encapsulated and retained the drawings show a pantile roof and the report sets out that the replacement roof is not required for the change of use proposed but would be most appropriate when considering the longevity of the building. Work to the ground floor would require overlaying but domestic loads would be lower than a previous loading for livestock. Enhancements indicated would improve the building but are not required for the change of use. The report sets out that the required structural alterations would be minimal in this case.

In light of the above, in this case it is proposed that the internal first floor structure and the roof structure and covering are proposed to be replaced (increase in height by c. 125mm). The submission seeks to highlight other schemes where similar levels of alteration/rebuilding have been approved. The submission sets out that the replacement of doors and windows, insulation and internal subdivision are generally considered to be neutral in relation to Policy GP16(A).

The submission includes provision for a minor departure to any aspect of the IDP should it be considered necessary.

The application was deferred to enable the applicant to address a number of matters and to highlight the concerns of the Planning Service in relation to the works proposed to the roof and the effect this would have on the special interest of the Protected Building. Further information and drawings were provided that sought to address the comments and concerns raised.

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

OC1: Housing Outside of the Centres
GP16(A): Conversion of Redundant Buildings
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use from an ancillary domestic outbuilding to a dwelling, the effect on the protected building(s) (special interest and setting) and having regard to residential amenity, parking etc.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

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

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

Policy GP16(A) of the Island Development Plan requires an application to demonstrate to the satisfaction of the Authority that the building is no longer required or capable of being used for its current or last known purpose.

Whether the building is no longer required for its current or last known use requires a broader and more objective assessment than simply whether the building is no longer required at a specific point in time due to the particular personal circumstances of the current owners/occupiers. For example, both personal circumstances and ownership can change resulting in changing needs over time. The building would have likely once been used in connection with the agricultural use of the site and later perhaps for storage associated with the visitor/guest house accommodation use of the site. It is noted through the submission that there was some evidence of residential occupation however, regardless of all these previous uses, the building now represents an outbuilding within the recognised domestic curtilage of Les Vardes Farm.

A broader objective assessment is required to test the redundancy of a building in order to limit development Outside of the Centres to accord with the overall Spatial Strategy. This approach aligns with the conclusions of the Appeals Tribunal in respect of La Pomare Farm (ref PAP/010/2019), where the Tribunal concluded that, as a matter of principle, the demonstration of redundancy of a building relates not simply to the needs or wishes of the present owner of the property, but to redundancy of the building in its present or former use more generally. Although some other outbuildings are in very poor condition there are others that would offer good storage options (see planning history for approved works to another outbuilding) to serve the dwelling. Whilst the building which forms the subject of this application would physically remain capable of providing domestic storage or other ancillary facilities for Les Vardes Farm, the level of alternative storage options on this site would satisfactorily demonstrate that this building is redundant and the proposal would comply with Policy GP16(A) criterion a).

The proposal relates to the creation of a unit of residential accommodation which accords with criterion b).

Whether a building is of sound and substantial construction is considered in two parts. There will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to

whether the building is capable of conversion without extensive alteration or rebuilding. This is following the conclusion of the appeal decision (ref PAP/008/2019). The Structural Inspection document, in conjunction with a site visit and photographs provided, demonstrate that the building is of sound and substantial construction with limited repair work required.

In terms of the extent of alterations required to support the proposed conversion, in deciding the appeal (referred to above) the Tribunal considered it appropriate to distinguish between three distinct categories of building work that have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use.

The submitted Report states that the building is capable of conversion into a habitable building with very little structural improvement. In determining the previously cited appeal, the Tribunal concluded that these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In terms of other works proposed to facilitate the conversion, new windows and doors are proposed to existing, proposed and altered openings plus the insertion of five new conservation style rooflights. The scheme does not require but does propose to replace the existing roof structure and covering which would go beyond a minor alteration or repair when considering Policy GP16(A). The works proposed in this application do, therefore, represent substantial alteration to the building proposed in connection with, although not necessary for, its conversion to a unit of residential accommodation which would not accord with c. of Policy GP16(A). In this regard therefore, a minor departure from this aspect of Policy GP16(A) would need to be applied.

The departure from Policy GP16(A) c. should be considered in connection with criterion d. which relates to the special interest of a Protected Building. It is clear that the existing roof covering is a detractor to the overall special interest of the building and its replacement with appropriate pantiles (a matter that can be controlled by condition) would enhance the special interest in this case. An application for the replacement roof covering alone would accord with Policy GP5 and having regard to this and the minor departure referred to above the replacement roof and other works proposed would satisfactorily address criterion d. of Policy GP16(A).

Notwithstanding this however, there are aspects of work associated with the roof that remain unacceptable when considering the requirements of Policy GP5 and the Law. The replacement of the roof, as proposed, would entail the obscuring of the stone gable parapets and these make a positive contribution to the special interest of the Protected Building and the group value of the collection of protected buildings. The effect on the form of the traditional roof would have a moderate/large effect on overall special interest. Notwithstanding the further information and justification provided, this aspect of the proposal does not represent a reasonable aspiration of the property owner that

would outweigh the harm on special interest and would have a negative effect on the overall special interest of the building.

Although the parapets may be a later, non-original, detail this does not mean that they do not contribute to special interest. Historic alterations to the gables represent a phase in the development of the site and the parapets take a traditional form contributing to overall special interest. To obscure those traditional details would alter the roof form but also the proportion of the building to the detriment of the historic, architectural and traditional interest.

The submission asserts that to retain the parapets would compromise residential space, that the use of lead would not be appropriate in this case and draws attention to other developments where similar works have been approved. However, none of these arguments outweigh the harm that would be caused. Each application must be considered on its own merits and as no two sites are identical it is not possible to draw such comparisons here. The non-protected nature of the interior of this building offers the applicant a great deal of scope in terms of layout etc and to clad the parapets in lead would retain the visual form and proportions of the building.

With regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

The submission sets out that there are glimpsed views only of the building and it is noted that it is situated behind frontage development on the coast road, viewed in the context of other buildings on the Les Vardes Farm site. In this case the ancillary development relates to works around the building, steps, hardstanding, gates etc. As noted in the submission the land falls within the domestic garden area of the Les Vardes Farm site and so there is no material change of use of land proposed. The works to offer parking, amenity space and access to the building would all be considered ancillary, and would not be harmful to the character and openness of the locality when considering criterion f. and also GP1 and GP8 of the IDP.

Criterion g. regarding extension is not considered relevant in this case and the matter of the amenities, health and well-being of neighbours of the development is considered elsewhere in this report.

To bring this underutilised building into use, where accommodation is provided over two floors, represents efficient and effective use of land in this case. Occupiers of the development would be served by satisfactory aspect/outlook and sunlight/daylight. The position of the building in relation to the existing, albeit vacant, farmhouse and other buildings within the application site and beyond is such that future occupiers will not suffer from unacceptable overlooking or loss of privacy. The proposal offers accommodation that meets the current Building Regulations in terms of the minimum accommodation sizes for dwellings for up to 3 people. The scheme would fall sort of the best practice set out in the DCLG Space Standards however, it is acknowledged that the scheme works with the existing building, without extension. The property will also

benefit from good access to external open space and offers space for occupiers to store cycles offering the opportunity for alternative modes of transport. The scheme overall therefore, addresses the requirements of Policy GP8 and Annex I of the IDP.

The location of the building on the site means it is away from residential neighbours to the north, fronting Route De Port Grat. The majority of the new rooflights would face away from the neighbouring properties and there is ample separation distance between the building and neighbouring dwellings to ensure that potential overlooking remains within acceptable limits. The building is existing and will not result in overshadowing or loss of light to any neighbouring property or garden. As such the scheme accords with Policy GP8, GP9 and GP16(A) in this regard.

The open plan layout of the ground floor, with ground floor WC and shower along with Part M compliant access path and access to the upper amenity space without the need for stairs, will provide an element of the scheme that offers access for all. Although the first floor and lower amenity space would only be accessible via stairs this would not preclude access by ambulant disabled. There could also be scope, subject to the relevant permissions, to extend the building in future thereby offering accessible and flexible accommodation in line with the aims of Policy GP8 f. and g. of the IDP.

The scheme incorporates ample on-site parking and turning to serve this single dwelling in accordance with Policy IP7, given that Outside of the Centres each case will be considered on its own merits. There will not be an unacceptable intensification of the existing access/right of way given that this is a single, modest dwelling when considering Policy IP9.

Confirmation has 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.

The following works are considered to accord with Policy GP5 and represent a reasonable aspiration of the property owner that would outweigh the harm to the protected building:

- New door and lintel to west gable
- Install galvanised metal tube pedestrian and vehicular gates with timber posts
- Rainwater goods (cast iron)
- Install stone steps to northeast and to west of building
- Install gravel and brick paved paths and driveways to north, west and south
- Install 0.9m high timber fence to west garden area
- Install 2 bat boxes and 2 swift boxes
- Alterations to existing windows and doors, including replace timber store door with metal door

Various planning conditions would be appropriate in connection with these changes to the protected building in order to preserve its special interest and character.

Whilst in many respects this proposal does accord with the requirements of the IDP the issue of the obscuring the stone gable parapets has not been resolved and so the scheme fails to comply with Policy GP5 of the Island Development Plan.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites. The matter of protected buildings is considered elsewhere in this report.

Date: 08/01/2025

