

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 garden (928sqm), part demolish existing and erect replacement vine house to south elevation, replacement roof to north elevation, install rooflight, internal and fenestration alterations to main dwelling. Extend and alter detached outbuilding to west of property, install cladding and fenestration alteration to outbuilding to west boundary and install cladding to Dutch barn. Re-roof outbuilding 'pumpkin cottage', re-point roadside wall and barn and replacement fenestration to east boundary, landscaping alterations. Erect fencing, gates, hardstanding and alter vehicle access to agricultural land to north-east of site (Protected Building).

LOCATION: Brooklands, Rue De La Porte, Castel.

APPLICANT: Mr C & Mrs A Wharrie

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: 25/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects 3733 PL01D, 02G, 03D, 04C, 05D, 06A, 07B, 08B, 10, 11A, 12A, 14.

Application Ref: FULL/2024/1483

Property Ref: D009670000

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.Notwithstanding the information submitted on drawing PL02(G), no permission is granted for the new gateway positioned on the west boundary of the approved domestic curtilage extension.

Reason - The primary access that serves the dwelling-house, sited within the recognised domestic curtilage, is off Rue De La Porte. Whilst it is recognised that the site features a secondary access to the rear, the primary use of the track serves agricultural land and is outside of the recognised domestic curtilage. By virtue of incorporating a new gateway along the west boundary of the approved domestic curtilage extension would increase the probability of the agricultural track being used as an extended driveway serving the dwelling-house. Approving a gateway along this boundary would indirectly, formalise and intensify the use of the track for domestic purposes, particularly as it is understood that the former commercial agricultural use of Brooklands Farm has ceased following the sale of the property. This in essence would domesticate the agricultural track, thereby suburbanising the countryside (Policy GP1, Landscape Character and Open Land, and GP15, Creation and Extension of Curtilage). There also does not appear to be any justifiable need to domesticate the agricultural track when the property is served by an existing vehicular access, located within the recognised domestic curtilage.

5.(1)Prior to the hereby approved domestic curtilage extension being brought into first use, full details of the landscaping scheme as shown on drawing PL02(G), including the location of each species proposed, along with the size, number and density of plants, shall be submitted to and agreed in writing by the Authority.

(1.1)the proposed hedge to be planted along the entire west boundary of the hereby approved extension of domestic curtilage (see Condition 4) shall be planted in the first planting season following the removal of the existing hedge, or in accordance with a scheme as previously agreed in writing by the Authority.

(1.2)the proposed hedge to be planted in front (west) of the approved 2.1m high timber fence located along the east boundary of agricultural land shall be planted in the first planting season following the installation of the new fence, or in accordance with a scheme as previously agreed in writing by the Authority.

(2)The remainder of the landscaping scheme (all aspects excluding the timeframes for the proposed hedges referred to in criterion (1.1) and (1.2)) shall be fully completed, in accordance with the details agreed under the terms of criterion (1) above, by the end of the first planting season following hereby approved domestic curtilage extension being brought into first use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by 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, the approved domestic curtilage extension is clearly demarcated within a reasonable timeframe, and to provide biodiversity enhancements in accordance with the Strategy for Nature, 2020 (SPG).

6.For the avoidance of doubt and notwithstanding the drawings submitted, the replacement windows excludes windows ref: WB01, WB02, WG01, WG03, WG04, WG05, WG09, WF02 & WF04.

Reason - to clearly define the extent of the permission to avoid any ambiguity in order to preserve the special interest of the Protected Building. These windows are considered to make a positive contribution to the overall special interest of the protected building. Overall damage to the windows is minimal and they are capable of repair and reconditioning. The resultant harm to the overall special interest of the protected building would be such that it is not outweighed by the reasonable aspirations of the owner and therefore does not comply with Policy GP5.

7.Prior to the removal of the existing, large-scale drawings (1:20 elevations; 1:5 sections) of all new and replacement internal and external windows and doors, other than those excluded in Condition 6, shall be submitted to and agreed in writing by the Authority. The replacement internal and external windows and doors shall thereafter be completed in accordance with the agreed details.

Reason - The principle to replace Windows ref: WF03, RL01 (and new window openings WG10, WG11), & Doors ref:DB03, DB05 & DG01, is acceptable, subject to appropriate detailing. The reason is attached to the decision to secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

8.Prior to installation, a specification or a finished sample of the following shall be submitted to and agreed in writing by the Authority:

- a.The cladding material proposed for the Dutch barn;
- b.The cladding material proposed for the large covered barn;
- c.The cladding material proposed for the garden room;
- d.The replacement roof slates proposed for the poulaillier;
- e.The replacement roof slates proposed for the north wing;
- f.The paving;
- g.The replacement rooflight;
- h.The replacement fireplaces;

The agreed works shall thereafter be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building, including its setting.

9.Prior to installation of the replacement vine house, large scale drawings (1:20 elevations; 1:5 sections) showing the doors, eaves, gable details and glazing bars shall be submitted to and agreed in writing by the Authority. The agreed works shall thereafter be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

10.Prior to installation, the external appearance of all new vents and extractors shall be agreed in writing by the Authority.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

11.Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the existing earthbank shall be made good to match as closely as possible to the roadside boundary treatment, in accordance with the approved details.

Reason - to ensure the works are carried out in a reasonable timeframe in the interests of visual amenity.

12.Prior to installation, a finished sample of the proposed cladding material shall be submitted to and agreed in writing by the Authority. The agreed works shall thereafter

be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building (Policy GP5).

13. For the avoidance of doubt, this decision permits the 'Garden Room' to remain and be used incidental to the host dwelling (Brooklands) and shall not at any time be severed from that dwelling to provide a self-contained unit of accommodation.

Reason - Due to the size and functionality of the Garden Room, it is necessary and reasonable to attach a planning condition to this decision to ensure that the outbuilding remains incidental to the primary use of the dwelling-house (Brooklands), and does not become severed from that property to form an independent dwelling, unless planning permission is sought and granted for such a proposal.

Expiry Date: This permission will cease to have effect on 24/06/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the track located on agricultural land to the rear (north-east) of the dwelling should be used for agricultural purposes only. The use of the track for domestic purposes is likely to require a change of use of land, and would be subject to different policy consideration. The primary access of the dwelling-house is located to the south-east of the site, located within the recognised domestic curtilage.

For the avoidance of doubt, this decision permits the 'Large Covered Barn', 'Granite Barn', 'New Workshop', to be used only for purposes incidental to the agricultural use of the land and/or the dwelling house (Brooklands), unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance.

With reference to the landscaping condition attached to this decision, it is recognised that a bio-diversity statement has been submitted as part of the revised application, although the proposed bio-diversity enhancement details need to be submitted on an appropriately scaled plan to clearly identify the different areas and native plants accordingly.

It is advised that you contact the Authority prior to carrying out 'minor repair works' to the agricultural track as shown on drawing PL02 (G) to avoid any ambiguity.

It is advised that should the alterations to the poulaillier roof timbers and structure be found to go beyond 'repair' works, then further discussion and agreement should be had with the Authority, as this may require a separate grant of planning permission.

It is advised that should replacement of moulded joinery in the areas of the house to

be lined be found to be required, then further discussion and agreement should be had with the Authority, as this may require a separate grant of planning permission.

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/2024/1483
Property Ref: D009670000
Valid date: 23/09/2024
Location: Brooklands Rue De La Porte Castel Guernsey GY5 7AW
Proposal: Change of use of agricultural land to domestic garden (928sqm), part demolish existing and erect replacement vine house to south elevation, replacement roof to north elevation, install rooflight, internal and fenestration alterations to main dwelling. Extend and alter detached outbuilding to west of property, install cladding and fenestration alteration to outbuilding to west boundary and install cladding to Dutch barn. Re-roof outbuilding 'pumpkin cottage', re-point roadside wall and barn and replacement fenestration to east boundary, landscaping alterations. Erect fencing, gates, hardstanding and alter vehicle access to agricultural land to north-east of site (Protected Building).

Applicant: Mr C & Mrs A Wharrie

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

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

4. Notwithstanding the information submitted on drawing PL02(G), no permission is granted for the new gateway positioned on the west boundary of the approved domestic curtilage extension.

Reason - The primary access that serves the dwelling-house, sited within the recognised domestic curtilage, is off Rue De La Porte. Whilst it is recognised that the site features a secondary access to the rear, the primary use of the track serves agricultural land and is outside of the recognised domestic curtilage. By virtue of incorporating a new gateway along the west boundary of the approved domestic curtilage extension would increase the probability of the agricultural track being used as an extended driveway serving the dwelling-house. Approving a gateway along this boundary would indirectly, formalise and intensify the use of the track for domestic purposes, particularly as it is understood that the former commercial agricultural use of Brooklands Farm has ceased following the sale of the property. This in essence would domesticate the agricultural track, thereby suburbanising the countryside (Policy GP1, Landscape Character and Open Land, and GP15, Creation and Extension of Curtilage). There also does not appear to be any justifiable need to domesticate the agricultural track when the property is served by an existing vehicular access, located within the recognised domestic curtilage.

5. (1) Prior to the hereby approved domestic curtilage extension being brought into first use, full details of the landscaping scheme as shown on drawing PL02(G), including the location of each species proposed, along with the size, number and density of plants, shall be submitted to and agreed in writing by the Authority.

(1.1) the proposed hedge to be planted along the entire west boundary of the hereby approved extension of domestic curtilage (see Condition 4) shall be planted in the first planting season following the removal of the existing hedge, or in accordance with a scheme as previously agreed in writing by the Authority.

(1.2) the proposed hedge to be planted in front (west) of the approved 2.1m high timber fence located along the east boundary of agricultural land shall be planted in the first planting season following the installation of the new fence, or in accordance with a scheme as previously agreed in writing by the Authority.

(2) The remainder of the landscaping scheme (all aspects excluding the timeframes for the proposed hedges referred to in criterion (1.1) and (1.2)) shall be fully completed, in accordance with the details agreed under the terms of criterion (1) above, by the end of the first planting season following hereby approved domestic curtilage

extension being brought into first use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by 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, the approved domestic curtilage extension is clearly demarcated within a reasonable timeframe, and to provide biodiversity enhancements in accordance with the Strategy for Nature, 2020 (SPG).

6. For the avoidance of doubt and notwithstanding the drawings submitted, the replacement windows excludes windows ref: WB01, WB02, WG01, WG03, WG04, WG05, WG09, WF02 & WF04.

Reason - to clearly define the extent of the permission to avoid any ambiguity in order to preserve the special interest of the Protected Building. These windows are considered to make a positive contribution to the overall special interest of the protected building. Overall damage to the windows is minimal and they are capable of repair and reconditioning. The resultant harm to the overall special interest of the protected building would be such that it is not outweighed by the reasonable aspirations of the owner and therefore does not comply with Policy GP5.

7. Prior to the removal of the existing, large-scale drawings (1:20 elevations; 1:5 sections) of all new and replacement internal and external windows and doors, other than those excluded in Condition 6, shall be submitted to and agreed in writing by the Authority. The replacement internal and external windows and doors shall thereafter be completed in accordance with the agreed details.

Reason - The principle to replace Windows ref: WF03, RL01 (and new window openings WG10, WG11), & Doors ref:DB03, DB05 & DG01, is acceptable, subject to appropriate detailing. The reason is attached to the decision to secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

8. Prior to installation, a specification or a finished sample of the following shall be submitted to and agreed in writing by the Authority:

- a. The cladding material proposed for the Dutch barn;
- b. The cladding material proposed for the large covered barn;
- c. The cladding material proposed for the garden room;
- d. The replacement roof slates proposed for the poulaillier;
- e. The replacement roof slates proposed for the north wing;
- f. The paving;
- g. The replacement rooflight;
- h. The replacement fireplaces;

The agreed works shall thereafter be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building, including its setting.

9. Prior to installation of the replacement vine house, large scale drawings (1:20 elevations; 1:5 sections) showing the doors, eaves, gable details and glazing bars shall be submitted to and agreed in writing by the Authority. The agreed works shall thereafter be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

10. Prior to installation, the external appearance of all new vents and extractors shall be agreed in writing by the Authority.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building.

11. Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the existing earthbank shall be made good to match as closely as possible to the roadside boundary treatment, in accordance with the approved details.

Reason - to ensure the works are carried out in a reasonable timeframe in the interests of visual amenity.

12. Prior to installation, a finished sample of the proposed cladding material shall be submitted to and agreed in writing by the Authority. The agreed works shall thereafter be fully implemented.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the special interest of the Protected Building (Policy GP5).

13. For the avoidance of doubt, this decision permits the 'Garden Room' to remain and be used incidental to the host dwelling (Brooklands) and shall not at any time be severed from that dwelling to provide a self-contained unit of accommodation.

Reason - Due to the size and functionality of the Garden Room, it is necessary and reasonable to attach a planning condition to this decision to ensure that the outbuilding remains incidental to the primary use of the dwelling-house (Brooklands), and does not become severed from that property to form an independent dwelling, unless planning permission is sought and granted for such a proposal.

INFORMATIVES

For the avoidance of doubt, the track located on agricultural land to the rear (north-east) of the dwelling should be used for agricultural purposes only. The use of the track for domestic purposes is likely to require a change of use of land, and would be subject to different policy consideration. The primary access of the dwelling-house is located to the south-east of the site, located within the recognised domestic curtilage.

For the avoidance of doubt, this decision permits the 'Large Covered Barn', 'Granite Barn', 'New Workshop', to be used only for purposes incidental to the agricultural use of the land and/or the dwelling house (Brooklands), unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance.

With reference to the landscaping condition attached to this decision, it is recognised that a bio-diversity statement has been submitted as part of the revised application, although the proposed bio-diversity enhancement details need to be submitted on an appropriately scaled plan to clearly identify the different areas and native plants accordingly.

It is advised that you contact the Authority prior to carrying out 'minor repair works' to the agricultural track as shown on drawing PL02 (G) to avoid any ambiguity.

It is advised that should the alterations to the poulaillier roof timbers and structure be found to go beyond 'repair' works, then further discussion and agreement should be had with the Authority, as this may require a separate grant of planning permission.

It is advised that should replacement of moulded joinery in the areas of the house to be lined be found to be required, then further discussion and agreement should be had with the Authority, as this may require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site, known as Brooklands, consists of a detached 3.5 storey protected building set in extensive grounds. The application site is located Outside of the Centres, and within a Conservation Area and Agriculture Priority Area as designated in the Island Development Plan.

The property is setback from Rue De La Porte and is served by a number of outbuildings, all located within the recognised domestic curtilage. The definition of domestic curtilage (2022), includes the host dwelling, granite outbuilding, open barns and other outbuildings. The primary access of the site, located within the domestic curtilage, is off Rue De La Porte, located to the east of the dwelling-house.

The dwelling-house, together with the 'Poulaillier' (Pumpkin Cottage) and boundary walls and gate are all protected. The granite outbuilding, open barns and other outbuildings are not included.

The immediate area to the north of the dwelling, includes an area of agricultural land which is bounded by a glasshouse that lies parallel to the east boundary. Two larger fields are located to the north, north-west of the site, of which are served by an agricultural track off Rue Des Belles. The track lies outside of the domestic curtilage.

Relevant History:

FULL/2025/0023	Install replacement roof covering. (Protected Building).	Granted
CURT/2022/1242	Definition of Curtilage	
PREA/2022/1129	Refurbishment, internal alterations and new window openings (Protected Building).	Pre-application enquiry
FULL/2009/2211	Convert barn to create two dwellings	Granted

Existing Use(s):

Dwelling-house – residential

Fields, glasshouse and track to rear (north and west) of dwelling – agricultural.

Brief Description of Development:

Planning permission was originally sought to carry out a number of aspects of development, including;

- Change of use of agricultural land to domestic garden (1,181sqm),
- Part demolish existing and erect replacement vine house to south elevation,
- Replacement roof to the north elevation, install roof light, and make internal and fenestration alterations to main dwelling.
- Extend and alter a detached outbuilding to the west of the property,
- Install cladding and fenestration to an outbuilding to the west boundary and install cladding to Dutch barn.
- Re-roof outbuilding known as the 'pumpkin cottage',
- Re-point roadside wall and barn and replacement fenestration to east boundary,
- Carry out landscaping alterations, and;
- Erect fencing, gates, hardstanding and alter vehicle access to agricultural land to the north of the site.

The application has been accompanied by a Statement of Significance.

The application was deferred as a number of concerns were raised over the change of use of land and the alterations to the agricultural track and access. Additional

information was also sought in relation to other aspects of the development, including the protected building and Conservation Area.

The agent has amended the application by reducing the extension of domestic curtilage, reducing the alterations to the agricultural track and access point, reduced the height of fencing along the east boundary of the agricultural land, and has provided additional information regarding the biodiversity improvements, protected building and Conservation Area, in attempt to overcome the concerns raised. The revised plans include near-wholesale replacement of the doors and windows of the house together with replacement of all the internal doors within the basement.

The application was further deferred over concerns raised over the majority of the replacement windows. The agent has decided to omit such windows from the application and to repair these windows accordingly.

Moreover, the applicant has agreed to omit the proposed gateway located along the west boundary of the proposed domestic curtilage extension as confirmed in the agent's (planning consultant's) e-mail of 22nd May 2025. The Planning Service considers that by virtue of incorporating the proposed gates would indirectly, formalise and intensify the use of the track for domestic purposes. This in essence would domesticate the agricultural track, thereby suburbanising the countryside (Policy GP1, Landscape Character and Open Land, and GP15, Creation and Extension of Curtilage). Furthermore, there also does not appear to be any justifiable need to domesticate the agricultural track when the property is served by an existing vehicular access, located within the recognised domestic curtilage.

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

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
GP15 Creation and Extension of Curtilage

Representations:

None.

Consultations:

La Societe Guernesiaise's original comments:

We would highlight that the application does not appear to include specific biodiversity measures aimed at providing a net ecological gain. Further, the plans do

not consider the ecological value of the existing site. As such, it is not possible to determine if the proposals would deliver the required net gain.

As the proposals are extensive, we would recommend that the existing site is suitably assessed in terms of existing habitats and associated wildlife. In particular, we would point out that the existing outbuildings may currently be used by nesting birds such as Swallows, roosting bats and other wildlife.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

No further comments were received as part of the revised scheme.

Summary of Issues:

- Whether the development would adversely affect the special interest of the protected building.
- Whether the proposed development would adversely affect the character and appearance of the Conservation Area.
- Whether the proposed change of use of agricultural land to domestic curtilage would have a detrimental effect on the landscape character or appearance of the surrounding area.
- The impact of the development on neighbour amenity.

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 principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

The effect of the development on the special interest of the protected building and Conservation Area:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas,

to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

It is considered that the external works comprising; replacing some external window and doors, the creation of two windows openings in the north wing, replacement windows and doors in the granite barn, replacement corrugated material cladding in the Dutch barn, thermally lining the interior of the rear extension and north wing, replacement roof to the north elevation, and the replacement vine house all constitute a reasonable aspiration of the property owner that outweighs the harm on the protected building in light of Policy GP5.

However, replacement windows referenced: WB01, WB02, WG01, WG03, WG04, WG05, WG09, WF02 & WF04, are all considered to make a positive contribution to the overall special interest of the protected building and are considered capable of repair. In this case, the agent (planning consultant) and applicant have agreed to omit these windows from the proposed development as set out in the e-mail dated 10th April 2025. A condition should be attached to the decision to exclude such windows to avoid any ambiguity.

The principle to replace Windows ref: WF03, RL01 (and new window openings WG10, WG11), and Doors ref: DB03, DB05, DG01, is acceptable, subject to appropriate detailing. A condition to this effect should be attached to the decision.

The agent has also clarified the note on drawing 3733 PL14 relating to replacement of mouldings. It is necessary and reasonable to score through this element on the proposed drawings, and for the agent to seek further discussions with the Authority to agree a suitable outcome that respects the special interest of the protected building.

Overall, it is considered reasonable and necessary to attached appropriate conditions with regards to: replacement windows and doors, material samples, replacement vine house, and details of all external vents and extractors, to ensure that the special interest of the protected building is preserved. An informative should also be attached with regards to the poulaillier roof and replacement of moulded joinery.

With regards to the impact on the Conservation Area, the location and nature of the proposed alterations is such that the special character, architectural and historic interest and appearance of the Conservation Area would be conserved, for the purposes of Policy GP4. The additional information submitted clarifies that alterations to the windows and doors of the granite barn would meet Policy GP4.

In conclusion, the proposal will have a limited effect on the overall special interest of the protected building (subject to appropriate conditions), and the reasonable aspirations of the property owner outweighs the harm on the protected building in light of Policy GP5.

The application also complies with Policy GP4 too.

The effect of the change of use of agricultural land to domestic curtilage:

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

“Proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Area will only be supported where it is demonstrated that the farmstead or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan.”

The land in question is located in an Agriculture Priority Area, although is bounded to the west by a mature hedgerow, and to the south by a tree lined earthbank. A large wall bounds the section of agricultural land to the north and east. A large rectangular glasshouse runs the entire width of the proposed extension of domestic curtilage, running parallel to the north boundary wall. The area in question has a domesticated feel with numerous shrubs and trees, with maintained grass, and an informal seating area. Whilst the glasshouse may have been used on a commercial basis in the past, the overwhelming sense is that the parcel of land would not result in a material loss to the Agriculture Priority Area (APA) as a whole. This decision has been reached when taking into account the characteristics of the land parcel and its limited relationship and connectivity to the wider area of agricultural land to the north and north-west when ‘read’ in context.

The agent has also noted that the area of agricultural land in question does not positively contribute to the commercial agricultural use of the site due to its limited size which makes it unviable for commercial agriculture.

Given that the parcel of land in question is not highly visible from public vantage points, due to the height of existing boundary treatments, the change of use of land would not adversely affect the visual openness or landscape character of the surrounding area.

The change of use of land would be compatible with the wider spatial pattern of development given that the rectangular shaped area of agricultural land mirrors the neighbouring property to the north-east in terms of its size and shape, which is all recognised as domestic curtilage.

There would also be no requirement to restrict the exemption rights afforded to the householder to manage future development of the land.

The proposed section of the earth bank to be removed along the south boundary of the proposed extension of curtilage is acceptable and reasonable when taking into account the proposed use of the extension of curtilage as a formal gravel driveway. Moreover, the small section of the earth bank to be removed does not contribute to a wider area of landscape character and openness, and would connect one area of domestic curtilage to another.

Biodiversity improvements have been included as part of the revised scheme which are indicatively shown on the drawings, and are set out in the Appendix I –Bio-Diversity Statement. These measures appear to promote biodiversity for the purposes of the Strategy for Nature (2020) Supplementary Planning Guidance. However, full details of the improvements need to be included on an appropriately scaled plan to clearly show the proposed landscaping features to avoid any ambiguity. A condition to this effect should be attached to the decision notice.

The agent has also explained how the alterations to the vehicle access point to the north of the site, together with the agriculture track itself would improve access and use of the agricultural land, enabling the applicant to use the fields for grazing. The proposed post and rail fencing and gates serving the fields are acceptable.

The change of use alone would not cause any significant harm to the amenities of neighbouring residents when taking into account the proposed alterations and use, together with the existing boundary treatments.

The agent has also agreed to omit the proposed gates along the west boundary of the proposed domestic curtilage extension as confirmed in the agent's (planning consultant's) e-mail of 22nd May 2025.

The Planning Service was concerned that the proposed gates would connect the proposed driveway and parking area, and the agricultural track to the west. It was considered that by virtue of doing so would increase the probability that the gates would facilitate vehicles to egress onto the agricultural track (or vice versa), and therefore in turn act as an extended driveway to serve the dwelling-house. Approving a gateway along this boundary would indirectly, formalise and intensify the use of the track for domestic purposes, particularly as it is understood that the former commercial agricultural use of 'Brooklands Farm' has ceased following the sale of the property. This in essence would domesticate the agricultural track, thereby suburbanising the countryside (Policy GP1, Landscape Character and Open Land, and GP15, Creation and Extension of Curtilage). There also does not appear to be any justifiable need to domesticate the agricultural track when the property is served by an existing vehicular access, located within the recognised domestic curtilage. It is therefore considered that the gateway should be scored out and an appropriate condition should be attached to the decision. Subject to appropriate conditions, the proposal would comply with Policy GP15.

The impact on the landscape character and open land (Policy GP1) has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land, and the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. The development is compliant with Policy GP1.

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

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 24/06/25

