

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish glasshouse and structures. Convert, extend and alter building to create dwelling with associated works, create vehicle access to south boundary.

LOCATION: Fontenelles Vinery, Rue Des Fontenelles, Forest.

APPLICANT: Mrs N R Smith

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: 26/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech CA-22-1104-03D, 04D & Tree Dimensions Landscapes Defined Report (dated 20/02/2024)

Application Ref: FULL/2024/1739

Property Ref: H004150000

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.(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(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 the Authority,

(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 the Authority,

(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) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by

the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- 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 subsection (i) c. of this condition

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5.The dwelling hereby approved shall not be first occupied until such a time as all existing glasshouses shown to be demolished on drawing ref: CA-22-1104-03D have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted and to ensure the clearance of all redundant glass in accordance with Policy OC7 of the Island Development Plan.

6.The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the details stated within the Tree Dimensions Landscapes Defined report (dated 20/02/2024) and in the positions shown on the Landscaping Location Plan appended to that report in the first planting season following the first occupation of any part of the development or completion of the development (whichever is the sooner), or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

7.The dwelling hereby approved shall not be first occupied until such a time that the electric vehicle charging point and solar panels have been installed on the site in the positions shown on the approved drawings and made operational.

Reason - In the interests of sustainable development and to comply with Policy GP9 of the Island Development Plan.

8.Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off to match the remainder of the roadside boundary in accordance with the details shown on drawing ref: CA-22-1104-04D.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 25/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. Please note with reference to condition 4, 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) of that condition, however, this will all be confirmed in writing.

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 condition 4 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

2. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

3. As stated at bullet point 8.1 within the Tree Dimensions Landscapes Defined document the burial of surplus building materials on the site should be ""strictly prohibited"". It would also constitute waste and the practice would be an offence under the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010.

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/2024/1739
Property Ref: H004150000
Valid date: 24/10/2024
Location: Fontenelles Vinery Rue Des Fontenelles Forest Guernsey
GY8 0BL
Proposal: Demolish glasshouse and structures. Convert, extend and
alter building to create dwelling with associated works, create
vehicle access to south boundary.
Applicant: Mrs N R Smith

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. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(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 the Authority,

(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 the Authority,

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

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 subsection (i) c. of this condition

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. The dwelling hereby approved shall not be first occupied until such a time as all existing glasshouses shown to be demolished on drawing ref: CA-22-1104-03D have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted and to ensure the clearance of all redundant glass in accordance with Policy OC7 of the Island

Development Plan.

6. The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the details stated within the Tree Dimensions Landscapes Defined report (dated 20/02/2024) and in the positions shown on the Landscaping Location Plan appended to that report in the first planting season following the first occupation of any part of the development or completion of the development (whichever is the sooner), or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

7. The dwelling hereby approved shall not be first occupied until such a time that the electric vehicle charging point and solar panels have been installed on the site in the positions shown on the approved drawings and made operational.

Reason - In the interests of sustainable development and to comply with Policy GP9 of the Island Development Plan.

8. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off to match the remainder of the roadside boundary in accordance with the details shown on drawing ref: CA-22-1104-04D.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

1. Please note with reference to condition 4, 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) of that condition, however, this will all be confirmed in writing.

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 condition 4 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

2. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

3. As stated at bullet point 8.1 within the Tree Dimensions Landscapes Defined document the burial of surplus building materials on the site should be ""strictly prohibited"". It would also constitute waste and the practice would be an offence under the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010.

OFFICER'S REPORT

Site Description:

The application site is set to the north of La Rue Des Fontenelles and comprises redundant glasshouses, a former packing shed (the building the subject of this application) and a residential property (Les Fontenelles) to the north. The site is accessed by an existing track to the west of the site which also provides access to the residential property, the packing shed, and the surrounding agricultural land within the site.

The application site was formerly a vinery site which appears to have ceased to operate between 1996 and 2001. The building which forms the subject of this application is of single storey construction set towards the east/central part of the site.

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

Relevant History:

FULL/2024/0795	Demolish glasshouses, convert , extend and alter building to create a dwelling with associated works and erect bin store to north boundary of agricultural land.	Withdrawn 02/05/2024
PAPP/2008/2047	Erect a conservatory.	Granted 29/07/2008
PAPP/2006/3113	Extend dwelling to create a dower unit	Granted 31/10/2006
PAPP/2006/1391	Extend dwelling to create a dower unit.	Granted 23/05/2006

PAPP/1994/3753	Replace/alter windows and doors	Granted 26/09/1994
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Existing Use(s):

Residential property and garden area to the north
Agricultural land surrounding

Brief Description of Development:

Planning permission is sought to demolish all glasshouse structures on the site and to convert, extend and alter a former packing shed to create a dwelling with associated works. A new vehicular access will also be formed in the southeast corner of the site.

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

OC1	Housing Outside of the Centres
OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
OC7	Redundant Glasshouse Sites Outside of the Centres
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP15	Creation and extension of curtilage
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 7th November 2025 stated the following:

“I have reviewed the proposed plans for Les Fontenelles Vinery which were received by email on 25th October 2024 and there are a number of issues of concern that I must raise. Due to the historic greenhouses on the site, I would have concerns for contamination of metals. Furthermore, due to the greenhouse and the associate tomato industry these facilitated I would have concerns for pesticide contamination. In addition to this, after having reviewed the historic records, these greenhouses were heated, as such I would further have concerns for contamination from

hydrocarbons. With these points in mind, I therefore believe the below contaminated land condition should be applied in full.

I would also like to add to point 8.1 Soil Improvement of the Tree Dimensions Landscapes Defined document that the burial of surplus building materials should not only be “strictly prohibited” but this would constitute waste and the practice would be an offence under the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010.

Potential Land Contamination:

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

- (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(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 the Authority,

(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 the Authority,

(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) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under

the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;*
- b) photographs of the remediation works in progress;*
- 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 subsection (i) c. of this condition

Informatives/Advice Notes

With reference to condition X 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 criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

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 condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Discovery Strategy

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

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

Summary of Issues:

Whether the principle of the development is acceptable and whether the conversion of the building complies with all relevant planning policies.

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).**

Principle of residential development

The site currently accommodates two spans of glass, left over from the former use of the site as a commercial vinery. The smaller span of glass immediately to the south of the building is in a state of disrepair and is redundant for the purpose of planning policy. Although the larger span of glass (situated to the west of the application building) appears in relatively good condition, following an internal inspection of the building it is evident that any commercial use of the glasshouse has long since ceased and that it is being used by the applicant for personal use. It is accepted therefore that the whole of the site can be considered as a redundant glasshouse site and Policy OC7 of the IDP is engaged.

Planning Law considers horticultural premises, including redundant glasshouse sites, and any ancillary structures to be agricultural land so, on clearance of the structures, the land is expected to revert to other non-horticultural types of agricultural use. There is a presumption therefore that when a horticultural use ceases, the site will be cleared of glasshouses and ancillary structures and returned to agricultural use. Proposals to develop redundant glasshouse sites will be supported by Policy OC7 where:

- a. the site is not within or adjacent to an Agriculture Priority Area, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse environmental impacts or where proposals are for renewable energy infrastructure and the design would allow agricultural activity to continue on the site; and,*
- b. the site would not contribute positively to a wider area of open land; and,*
- c. the proposal is for small scale industrial or storage and distribution use and is in accordance with the requirements of Policy OC3: Office, Industry, Storage and Distribution Outside of the Centres; or,*

- d. the proposal is for the change of use of glasshouse land so that it may be incorporated into the curtilage of a building in accordance with Policy GP15: Creation and Extension of Curtilage; or,*
- e. the proposal is for the provision of infrastructure for the harnessing of renewable energy in accordance with the requirements of Policy IP1: Renewable Energy Production; or,*
- f. the proposal is for the conversion of a redundant ancillary structure in accordance with Policies GP16(A): Conversion of Redundant Buildings and GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment; or,*
- g. the proposal is for a campsite and is in accordance with Policy OC8(B): Visitor Accommodation Outside of the Centres – Campsites; or,*
- h. the proposal is for outdoor formal recreation or informal leisure and recreation and is in accordance with Policy OC9: Leisure and Recreation Outside of the Centres.*

And providing that in all cases:

- i. there would be no unacceptable adverse effect on the living conditions of neighbouring occupiers including by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit or significant visual intrusion; and,*
- ii. the proposals would not jeopardise highway safety and the free flow of traffic on the adjoining highway; and,*
- iii. the site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access and open storage areas designed to respect the character of the area; and,*
- iv. the proposal includes the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan; and*
- v. the proposal includes details of an appropriate soft landscaping scheme which will make a positive contribution to the visual quality of the environment and which will sufficiently screen the activities on the site and mitigate impacts; and,*
- vi. the proposal accords with all relevant policies of the Island Development Plan.*

Although situated within the APA the site is landlocked to the south by the road, to the east by a residential dwelling and a sand school, to the west by a residential dwelling a sand school and amenity land, and to the north by the principal dwelling and its garden area. The site cannot therefore positively contribute to the commercial agricultural use of the surrounding APA and does not form part of an extensive swathe of open agricultural land. Criteria (a) and (b) of Policy OC7 are therefore satisfied.

The proposal relates to the creation of domestic curtilage associated with the conversion of a redundant ancillary building and Policy OC7 criteria (d) and (f) are satisfied in this case.

Policy OC7 c), e), g) and h) are not considered relevant in this case. i. – vi of Policy OC7 are also assessed elsewhere in this report in connection with all relevant policies.

Policy OC1 (Housing Outside of the Centres) allows for creation of new dwellings Outside of the Centres only where this 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) (Conversion of Redundant Buildings).

The proposal is addressed against the criteria (shown in bold italic text) of Policy GP16(A) below.

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

Expanding on this criterion, the preceding text states that, *“For an existing building to be converted to another use, the building must no longer be useful or reasonably capable of being used for its current or last known purpose and the proposal must represent an appropriate use of the building”* (Paragraph 19.17.4).

Although it is claimed by the applicant’s agent in the information supporting the application that the building the subject of this application was: *“originally built in 1963 by the applicant and was always used for living purposes”* this is not the case. A full review of the planning history for the site confirms that in 1962 approval was given for one dwelling at the site and the construction of glasshouses. Following representations from the owners of the property (which it is understood are the same people that currently own the property) relating to the financial implications of constructing both a dwelling and the glasshouses, consent was given for a *“temporary dwelling”* which would ultimately become a packing shed for the vinery. In 1971 plans for the construction of a permanent dwelling were approved which was subsequently built. At this point the *“temporary dwelling”* became a horticultural packing shed. The recognised planning use of the building the subject this application is therefore as a packing shed falling within Agricultural Use Class 28.

Although two spans of glass remain on the site the horticultural use of the site has long ceased. The building is considered to be no longer required for its last known purpose as a horticultural packing shed.

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use and complies with this criterion.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

Following the approach taken by the Planning Tribunal in relation to appeal (Ref: PAP/008/2019) this criterion will be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

The Structural Report confirms that the building is of reasonably sound construction for its authorised use and, whilst there are signs of localised movement (cracking under the south elevation window) there is no reason to dispute this conclusion.

The preceding text of Policy GP16(A) sets out clearly in paragraphs 19.17.3, 19.17.6 and 19.17.7 that the scale and nature of the works proposed will be considered in relation to each specific case by the Authority. In deciding the appeal (referred to above), the Tribunal considered it appropriate when assessing whether a building is capable of conversion without extensive alteration or rebuilding to distinguish between three distinct categories of building work that seem to have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use.

The works proposed are essentially limited to replacement fenestration within existing apertures, localised repair works to two small sections of masonry, the blocking up of an existing window and external insulation. This work could not be considered to amount to extensive alteration and the scheme put forward under this application would comply with criterion c).

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The building is not protected and there are no protected buildings in the immediate vicinity.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building could not be considered a building of character. The building is a former packing shed structure of utilitarian form and design which, due its low profile, simple form and position, is of limited impact within the wider character of the area.

The proposed works would retain the overall form of the building and would not significantly alter the impact of the structure on the character of the area.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The creation of curtilage associated with the conversion would also fall to be considered under Policy GP15 (Creation and extension of curtilage). In addition, Policy GP1 is relevant in relation to the impact on open and undeveloped land.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a) it would not have an unacceptable detrimental impact on the landscape character; and,*
- b) it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,*
- c) it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,*
- d) it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,*
- e) it would not adversely affect the reasonable amenities of neighbouring residents.*

Following deferral of the application the extent of residential curtilage has been reduced substantially and now comprises a relatively modest area of land, well associated with the size of dwelling proposed and is appropriately located on the site. The site is located within an APA, however, as referred to previously within this report, the site is land locked and does not positively contribute to the commercial use of the APA or a wider area of open land. Irrespective an access point suitable for agricultural vehicles will remain in the southwest corner of the site to ensure access to the remainder of the agricultural land.

The proposed creation of curtilage would support the conversion of an existing redundant building. The property is not located within or adjacent to an Area of Biodiversity Importance and the proposal does not include the removal of any boundary features. The enclosure of the curtilage with a native hedge would be appropriate, and a landscaping schedule detailing the type of hedge has also been provided. Additional planting is also proposed in the form of a wildflower meadow to the north of the site and a copse of trees to be planted where the larger span of glass is to be removed. All of the planting to be incorporated into the scheme together with planting densities have been provided in a supporting Landscaping

scheme. The landscaping scheme together with the corresponding drawing and the details of its future management will ensure that biodiversity enhancement is achieved and maintained in the longer term in accordance with the States adopted Strategy for Nature SPG.

The proposed creation of curtilage would therefore meet the requirements of Policies GP1 and GP15. The impact on the amenity of the neighbouring property is addressed below.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

The proposal includes the provision of a small extension attached to the south elevation of the building which will accommodate additional kitchen space. The extension is limited in terms of its floorspace and overall volume that it will create and would be modest for the purpose of this criterion. The scheme therefore complies with criterion (g) of Policy GP16(A).

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The proposed dwelling and associated curtilage would be bounded by agricultural land to the north, east and west. Taking into account the single storey nature of the building, the orientation and separation distances to the neighbouring properties there would be no adverse impact on residential amenity.

Other matters

Residential amenity

The proposal is for a one bed dwellinghouse, capable of sleeping one person. Part G of the Guernsey Technical Standards requires minimum accommodation provision for one person of 30m², in the form of 22m² for kitchen, living, dining and bathing, 7m² for sleeping and 1m² for storage. The proposed accommodation would exceed the requirements of the Building Regulations.

The size and quality of the outdoor space as revised, would be adequate for a dwelling of the proposed size and there would be an attractive outlook from the dwelling. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation, the accommodation is provided over a single level and opportunities have been

identified for altering the accommodation to meet potential future needs, in accordance with the requirements of Policy GP8.

Confirmation has also 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. An electric vehicle charging point is also proposed as part of the scheme together with solar panels.

Highway Safety issues

The scheme includes the provision of a new access point to serve the proposed dwelling. Although the new access will result in the loss of part of an existing earthbank and roadside hedge, the opening has been kept to an appropriate width for this location and a large part of the roadside boundary will remain undisturbed and will continue to provide an appropriate boundary treatment in this rural area. Any harm to the character of the area would therefore not be so substantial to warrant the refusal of permission.

Suitable levels of car parking has been provided and a shed is included to the west of the conversion scheme to provide suitable bicycle parking.

Based on the above the proposal would not negatively impact on highway safety and complies with policies IP6, IP7 and IP9 of the IDP.

Conclusion

Overall, the proposal meets the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 25/03/2025

