

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: Install replacement roof covering. (Protected Building).

LOCATION: Brooklands, Rue De La Porte, Castel.

APPLICANT: Mr & Mrs C & 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: 20/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3733/SV01A.

Application Ref: FULL/2025/0023

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.The existing slates and ridge tiles on the roof slopes which form the subject of this permission shall be removed, carefully set aside during the course of works and reinstated once works have been completed, in the first instance prioritising the salvaged slates on the front (east) elevation of the dwelling (Brooklands) and the east facing dormers, and the ridge tiles on the main ridge and east facing dormers. Should any replacement slates and/or ridge tiles be required, a specification or sample of those slates and/or tiles shall be submitted to and agreed in writing by the Authority, prior to their installation. The remainder of the roof shall thereafter only be recovered with the approved slates and/or ridge tiles.

Reason - To ensure that the existing slates and ridge tiles are reused, on the prominent roof slope of the dwelling in the first instance, to preserve the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 19/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

For the avoidance of doubt, no permission is conferred for any works other than those specified in the description of development above and as set out in the submitted email of 01/01/2025.

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/2025/0023
Property Ref: D009670000
Valid date: 05/02/2025
Location: Brooklands Rue De La Porte Castel Guernsey GY5 7AW
Proposal: Install replacement roof covering. (Protected Building).

Applicant: Mr & Mrs C & 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. The existing slates and ridge tiles on the roof slopes which form the subject of this permission shall be removed, carefully set aside during the course of works and reinstated once works have been completed, in the first instance prioritising the salvaged slates on the front (east) elevation of the dwelling (Brooklands) and the east facing dormers, and the ridge tiles on the main ridge and east facing dormers. Should any replacement slates and/or ridge tiles be required, a specification or sample of those slates and/or tiles shall be submitted to and agreed in writing by the Authority, prior to their installation. The remainder of the roof shall thereafter only be recovered with the approved slates and/or ridge tiles.

Reason - To ensure that the existing slates and ridge tiles are reused, on the prominent roof slope of the dwelling in the first instance, to preserve the special interest of the protected building.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

For the avoidance of doubt, no permission is conferred for any works other than those specified in the description of development above and as set out in the submitted email of 01/01/2025.

OFFICER'S REPORT

Brief Description of the site:

The application site, namely 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 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.

Planning permission is sought to install a replacement roof covering. The applicant's e-mail dated 1st January 2025 notes that the:

"Roof is in poor condition with numerous missing slates, areas of previous patch repairs and no felt barrier. It is generally in a weak condition and at the end of its functional life as exemplified by the recent damage suffered in Storm Daragh. The proposed works are essential as the re-roofing will protect the structural integrity of the building by preventing water ingress and addressing existing damage to the roof.

Where possible, the existing slates will be salvaged and re-used on the West-facing roof slope. New slates, carefully selected to match the appearance, size, and texture of the original materials, will be used to re-roof the East-facing slope."

A Statement of Significance has been submitted by the applicant, together a Heritage Impact Assessment. That Impact Assessment includes works not forming part of the current application. For the avoidance of doubt, this permission would not confer any consent for those works which form the subject of a separate permission.

Relevant History:

FULL/2024/1483	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).	Pending
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):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 Conservation Areas
 GP5 Protected Buildings
 GP8 Design
 GP9 Sustainable Development
 GP13 Householder Development

Consultation:

La Société Guernesiaise's comments:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing building, in particular the roofspace, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is considered further, an informative note be added to the Information Sheet as follows -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works.

Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Conclusion/Brief comment:

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

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

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.”*

Taking into account the relevant policies, the proposed development is considered to be a reasonable aspiration of the property owner, which outweighs the harm to the protected building, provided that the existing slates are reused where salvageable. It is recommended that appropriate conditions are attached to the decision to ensure that the special interest of the protected building is preserved, as set out below.

A suitable condition should be attached to the decision to ensure that that salvaged slates and ridge tiles must be reused and prioritised on the most prominent façade (east) elevation, and any replacement slates or ridge tiles should be first agreed by the Authority and used thereafter. This will ensure that the existing slates and ridge tiles are reused, on the prominent roof slope of the dwelling in the first instance, which will help to preserve the special interest of the protected building.

The proposed development will not adversely affect the character or appearance of the Conservation Area.

An informative should also be attached to the decision in light with La Société Guernesiaise's comments.

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.

Recommendation:

Grant with Conditions



Date: 17/03/25

