

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Convert building to create a dwelling with associated works (Protected Building).

LOCATION: La Brigade Farm Barn, La Brigade, St. Andrew.

APPLICANT: Messenger West Ltd

I refer to the application referred to below received as valid on 12/03/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/06/2025

Drawing Nos: PF+A Ltd: 7846--01 B1, B2, B3

Application Ref: FULL/2025/0418

Property Ref: K005570000

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

1. The application submission does not provide sufficient detail to demonstrate that the building that is the subject of this planning application is of sound and substantial construction capable of conversion without rebuilding or extensive alteration nor that the works would not have an unacceptable impact on the special interest of this protected building. As a result, the scheme would not accord with criteria c. and d. of Policy GP16(A) and GP5, and by extension Policy GP9 criterion b. of the Island Development Plan.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0418
Property Ref: K005570000
Valid date: 12/03/2025
Location: La Brigade Farm Barn La Brigade St. Andrew Guernsey GY6 8RQ
Proposal: Convert building to create a dwelling with associated works (Protected Building).
Applicant: Messenger West Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application submission does not provide sufficient detail to demonstrate that the building that is the subject of this planning application is of sound and substantial construction capable of conversion without rebuilding or extensive alteration nor that the works would not have an unacceptable impact on the special interest of this protected building. As a result, the scheme would not accord with criteria c. and d. of Policy GP16(A) and GP5, and by extension Policy GP9 criterion b. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is situated Outside of the Centres and within an Agriculture Priority Area (APA).

The whole of the exterior of the main building and barn together with the roof structure and machinery of the south part of the west wing are protected. The single storey east extension, the rest of the interior of the main house and barn, other outbuildings and the pigsties are not protected.

The domestic garden/curtilage has been defined as being the access driveway and all barns, outbuildings and other structures that form the cluster of built development on the site. It does not include any open and undeveloped land to the north, east or south of the site.

Relevant History:

The curtilage for the site was established in 2021.

FULL/2022/0615 - Subdivide dwelling and change of use of self-catering units to create 5 dwellings, erect 1 storey extension to east elevation, demolish and rebuild chimneys,

internal and fenestration alterations, demolish outbuilding B (Protected Building) - granted

FULL/2023/1174 - Convert, extend and alter outbuilding to create dwelling, erect single storey garage to west boundary and associated works (Protected Building) – refused

Pre-application advice was sought in this case.

Brief Description of Development:

The application relates to the change of use of the barn to a unit of residential accommodation (Use Class 1). The building would contain a kitchen/dining room, shower room and separate lounge on the ground floor and two bedrooms and two bathrooms at first floor level. The existing openings in the north, south and west elevations are shown to be retained and used in connection with the proposed development. In connection with the rebuilding of part of the east elevation (see Structural Report) a double height glazed feature is proposed to be created. A ground floor door and two small first floor windows are proposed to be retained in this elevation. Ridge rooflights are proposed to the roof along with the introduction of solar panels to the east and west roof slopes.

The submission also incorporates written supporting information in relation to Policies GP5, GP8, GP9 and GP16(A), a Structural Report and photographic survey.

The Structural Report (site visits in September and November 2024) is incomplete, with pages 12-15 absent.

Nonetheless, this report outlines that the building has suffered a prolonged period of little/no maintenance and has suffered as a result of moisture penetration (softened mortar and rot/infestation of most of the significant timbers). Secondary timber struts have been introduced to support the ends of timber beams where they are rotten and a pillar made of concrete blocks, laid flat, has been used to aid support of the floor beam above but this pier is not vertical and expresses lateral movement. There has been a collapse of at least one major timber resulting in damage to both flank walls which require stabilising and additional support (east elevation has a ‘belly’ inwards resulting from the collapse of an internal timber first floor beam and the west elevation bulges and undulates). The report describes the flank walls as expressing significant undulation and rotation and as being “out of plumb” but also notes that the trial pits exposing the base of flank walls (internal and external) indicate that the walls are founded on light brown sandy silts, with no foundation stone or projection but that that this is “sound ground suitable for safely carrying the full weight of the building”. The east flank wall is likely to need dismantling and rebuilding as it is currently unsafe. In other areas, stitching will be necessary along with localised rebuilding (photograph and report refer to a crack in the flank wall near the junction of a first-floor beam where there is evidence of previous repair). Repointing will be necessary, inside and out.

In terms of the roof and first floor timber structures these will require extensive repair and replacement following prolonged exposure to the elements generating rot. The report notes that the pantile roof is undulating with gaps in the roof but as felt lining is

present it must have been stripped and recovered at some stage. The report notes that the window openings in the west elevation have no external lintels and that the wall has partially failed above the window/door opening to the south end of the wall.

The report recommends that before any works are carried out or structural elements moved the rear section of the east wall will need to be temporarily supported to prevent it falling inwards. This will need to be done to an approved plan and methodology by appropriately qualified professionals.

A phased approach to works is recommended. For example, the current internal timbers may be in poor condition but presently, in part, provide some lateral restraint. In terms of the walls, these are considered “flexible” in construction meaning that they can deflect significantly before failing. They are unpredictable and intervention is required from a suitably qualified/skilled stonemason. Roof timbers will need to be removed and assessed before they can be considered for reuse. First floor timbers are not considered fit for purpose but in both cases the timbers could be set aside for possible reuse (subject to appropriate treatments). The upper floor would not form part of the support for the building, subject to other repairs.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP16(A): Conversion of Redundant Buildings
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

La Societe Guernesiaise – commented on the 2023 application.

La Societe would like to highlight that buildings of this type can be used by roosting bats, breeding Swallows and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

If this application is considered further, we would recommend that the building, in particular the roofspace, be inspected for current or recent use by bats and other wildlife 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 also recommend that the development proposals include adequate provision to support targeted species of birds and bats. La Societe would be able to assist with this aspect.

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. This part of the island has recently been shown to support a number of bat species.

Informative notes are recommended in relation to the use of buildings by roosting bats and other wildlife and request that the site is inspected prior to any building works with appropriate measures taken including the timings of works and highlighting the issue of avoidable light pollution.

Consultations:

None.

Summary of Issues:

The key issues in this case relate the principle of the proposed development and whether the proposed extensions represent modest additions to the buildings.

Assessment against:

1 - Purposes of the law.

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

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

Policy OC1 of the Island Development Plan makes provision for the creation of new dwellings through the subdivision of an existing dwelling or the conversion of an existing redundant building. The submission indicates that the buildings are redundant and therefore Policy OC1 provides a gateway for the proposed development. Policy GP16(A) must then be considered.

It was established as part of the 2023 application that the building is no longer required or capable of being used for its current or last known purpose in accordance with criterion a. of GP16(A) and criterion b. is addressed as the scheme relates to the establishment of a unit of residential accommodation.

A visual inspection carried out at the time of the application site visit of the two-storey barn, highlighted the internal first floor joists showed signs of decay where they met the wall and first floor structures and were, in places, held up by pillars of blocks. There was some evidence on site of the side wall (southwest) bowing. The scheme has been

accompanied by a Structural Report/Survey into the condition of the building and its capability to be converted without extensive alteration or rebuilding.

Based on the application as originally submitted it was not established that the scheme would comply with Policy GP16(A) criterion c. in terms of demonstrating that the buildings are capable of conversion without extensive alteration or rebuilding. The application was therefore deferred in order to seek further details/drawings regarding the scheme. These areas of clarification include upgrade works necessary for the building to be used for residential accommodation, all areas of works where stabilisation and repair work is necessary, rainwater goods and discrepancies between the drawings and Engineer's Report (retention or replacement of the roof). It was also indicated that written request for a minor departure may be necessary.

At the time of determining this application however, no further information, clarification or drawings have been provided. Therefore the Authority cannot be satisfied that the building is capable of conversion without substantial alteration or rebuilding.

Furthermore, should such works be more extensive than would ordinarily be supported by Policy GP16(A) and could be justified in terms of securing the protected building into the future, no written request for a minor departure from GP16(A) c. has been provided to comply with The Land Planning and Development (General Provisions) Ordinance, 2007 (Part IV section 12 (2)). The discrepancies between the drawings and associated reports also do not allow the Authority to fully assess the scheme in relation to Policy GP5 and the effect of the proposals on the special interest of the building. As such the scheme fails to comply with Policy GP5 and also GP16(A) criterion d.

The scheme therefore fails to comply with Policy GP16(A) c. and d. and GP5 of the Island Development Plan and is therefore recommended for refusal.

Implications of *The Island Development Committee v Portholme* [2002]

In *The Island Development Committee v Portholme* [2002], the Court of Appeal held that *"... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed."*

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

In this instance no request has been made for a minor departure in relation to Policy GP16(A). For the reasons given above and the identified conflict with Policies GP16(A) and GP5, the only lawful decision that can be reached is that planning permission be refused.

Other matters

For the reasons set out above, other matters that would ordinarily be relevant to the determination of this application have not been the subject of a full and detailed assessment. For completeness sake however, those matters that would be relevant are set out below, although it should be noted that the fact they do not form the basis for any additional reasons for refusal does not mean that this application is acceptable in those respects.

Policy GP16(A) also seeks to ensure that a development would not have unacceptable impacts on the contribution a building of character makes to the character and appearance of the area, this is also echoed in GP8. As the existing building is to be retained (without extension, so GP16(A) criterion g. is not applicable) and existing window and door openings are to be reused it is considered that the scheme represents a good standard of design that respects both the local built environment and open landscape concerned with hard and soft landscaping that would reinforce that character. The site is visible from the adjoining road but will be seen in the context of other buildings on the site, as such the conversion and ancillary development will not have an unacceptable adverse impact on the character and openness of the landscape (GP1 and GP16(A) criterion f.).

The development offers efficient and effective use of land both through the reuse of an existing building and the formation of multi-storey accommodation with accommodation over two floors. The scheme would offer flexible and adaptable accommodation that can respond to the changing needs of occupiers and demonstrates accessibility to and within the ground floor of the building for people of all ages and abilities. Although the first floor is accessed only by stairs this would not preclude access by ambulant disabled or future adaptations such as the introduction of a stairlift.

The scheme offers future occupiers with adequate daylight/sunlight (particularly due to the introduction of rooflights and additional glazing to the east elevation) and access to external open space along with good internal space provision. Aspect and outlook would be good and the building is set away from other neighbours (currently vacant) on the site in terms of maintaining privacy for all residents at the site (GP8 and GP16(A) criterion h.).

The scheme includes new boundary treatments to separate the property from those adjacent to it and although full details have not been provided these could readily be designed so as to be sympathetic to the site and surroundings while maintaining privacy/outlook etc. for occupiers of the proposed dwelling.

As the land around the building falls within the recognised curtilage for the site there is no specific requirement to address the Strategy for Nature SPG in this case. It would be appropriate, by condition, to require the removal of the derelict outbuilding in order to enhance the design, quality and access to open space associated with this proposed development.

It is also noted that an existing building is to be retained and used as a garage/store although the submission does not include any details regarding this building or any alterations that may be proposed in order to facilitate this use e.g. insertion of garage doors. The building itself does not form part of the entry into the Protected Buildings List. An external visual inspection as part of the application site visit did not indicate that this building could not be used for the purposes indicated and as such provision of secure and covered cycle storage in line with Policy IP6 would be addressed in this case. There is also adequate onsite parking and turning to meet the needs of occupiers with no unacceptable intensification in the use of the existing site access in accordance with Policies IP7 and IP9.

With regard to Policy GP9 the supporting information acknowledges that position, location and orientation are pre-determined given that this is a conversion scheme. Nonetheless, the proposals include the insertion of rooflights to improve natural light into the building and that new insulation will ensure the building meets a high standard of thermal efficiency. Solar panels and an EV charging point are also proposed. Subject to conditions therefore, Policy GP9 would be met in this case.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant; however, having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320) these have been given limited further consideration in this case.

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

The proposal would have no adverse impact on protected trees or sites.

Date: 29/05/2025