

Householder Guide to IDP Policy GP5: Protected Buildings



1. Introduction

- 1.1. This guidance note is intended to help householders through the planning application process where it relates to small works to the interior or exterior of a protected building and/or within its setting. If you are considering more substantial works, or a combination of works, our guidance note Conservation Advice Note 12: Understanding the Special Interest of Your Protected Building would be helpful.
- 1.2. We want to ensure we do not overburden owners with excessive red tape, but we do need enough information to be submitted to enable us to understand the building and why the alteration is necessary.
- 1.3. Protected buildings are not museums to be preserved. The Law and Island Development Plan (IDP) policies allow for their modernisation but, wherever possible, this should be done in a way that does not harm their special interest. Where harm to special interest cannot be avoided, then the 'benefits' of the development must outweigh that harm.
- 1.4. This document was endorsed by the Development and Planning Authority in March 2022.



The Land Planning and Development (Guernsey) Law, 2005 ("the Law")

ENTRY IN THE PROTECTED BUILDINGS LIST
Pursuant to Section 33 of the Law

Reference Number: C01398000-PB1210

Date of entry in the list : 06/04/2009

Name of building (if applicable): LES LANDES COTTAGE

LOCATION: ROUTE DES LANDES VALE GUERNSEY GY3 5JD

Extent of Listing: The whole building referred to above, together with the roadside wall and gate, all as shown on the plan below.

Site Plan Image:



LOCATION AND EXTENT OF AREA SHOWN IN RED TO BE REGARDED AS PART OF THE PROTECTED BUILDING FOR THE PURPOSES OF CHAPTER 2 OF PART IV OF THE LAW

An example of a Protected Building Notice

2. Considering works to your protected building?

- 2.1. If you are thinking about carrying out work to your protected building, or within its setting, the first thing will be to check the Notice. This sets out the part(s) of the building that are protected and can be the 'whole' (which is the inside and outside) of the building, 'the exterior (which is the outside), or a specific part such as a 'façade' or feature. Sometimes parts of a building may be specifically excluded, for example modern extensions.
- 2.2. General advice about protected buildings is available on our website. We also offer pre-application advice, which is free of charge, for developments that may affect a protected building and/or its setting.

3. What are 'small works'?

3.1. The type of 'small works' envisaged by this guidance include, but are not limited to:

- Removing or replacing render
- Painting the exterior for the first time
- Removing or replacing external cladding
- Removing or replacing a window(s) or door(s)
- Demolishing/rebuilding a chimney
- Installing a satellite dish
- Installing solar panels
- Re-roofing (e.g. natural slates or clay tiles)
- New rooflight(s)
- New dormer(s)
- New porch
- A small extension (less than 15m²)
- A garden structure
- A shed
- A glasshouse
- Removing a small section of internal walls

3.2. It is our intention to produce guidance notes relating to specific works. Conservation Advice Note 11: Windows and Doors in Protected Buildings is the first of these and can be found at www.gov.gg.

3.3. Where multiple operations are proposed the work might go beyond the scope of this guidance. Please refer to Conservation Advice Note 12: Understanding the Special Interest of Your Protected Building, which would be of use in such a case.

Further information

The **setting** of a protected building is the surroundings in which the building is experienced, i.e. its context. The setting may be the area immediately around the building, or it may extend for a greater distance

A hard copy of the **Notice** was sent to the owner when the building was protected. It can also be found at digimap.protected.gov.gg. Further guidance is available in CN8 Explaining the Notice. If in doubt about what features are of special interest, please ask us

Guidance notes can be downloaded from www.gov.gg. If you would like advice about your protected building then you can call 226200 or e-mail at planning@gov.gg

4. Works that do not need planning permission (Class 3 Exemptions)

- 4.1. There seems to be a myth in Guernsey that nothing can be done to a protected building. This is not true. A surprising amount of work can be carried out even without planning permission under exemptions including repair, maintenance and minor alteration. In practice this means we will apply Class 3 Exemptions proportionately to the scope of works proposed and their effect on the special interest of the particular protected building.
- 4.2. We encourage the repair and maintenance of protected buildings because this is the best and most cost-effective method to sustain the building. At the same time this minimises any harm to the building.
- 4.3. What is a minor alteration depends on what is special about a particular protected building. In some cases a series of minor alterations may need planning permission because of their cumulative effect. We strongly advise you to contact us at planning@gov.gg with photographs of the parts of the building that will be altered so we can check for you if the works are a minor alteration.

Case study example - Class 3 Exemptions

The owner of a protected building wants to redecorate, remove/replace carpets and expose original floorboards, replace kitchen and bathroom fixtures and carry out some re-wiring including installing additional sockets, switches and light fittings:

- You don't need planning permission to repaint, or to remove and replace wallpaper (provided you would not be removing or covering something that contributes to the special interest, e.g. a mural or William Morris wallpaper)
- You don't need permission to remove or replace carpets, or to expose and carry out small repairs to or sand/varnish existing floorboards
- You don't need permission to replace modern kitchen and bathroom fixtures and fittings (but you would need permission if you wanted to remove historic fitted cupboards or tiles)
- You don't need permission to re-wire using existing cable runs, or to install additional sockets, switches and light fittings (provided they would not damage historic fabric that contributes to the special interest of the building, e.g. moulded render features)

5. Island Development Plan and Policy GP5

- 5.1. If your building is protected your planning application will be assessed using the supporting text and policy box of Chapter 19.6 of the IDP - Policy GP5: Protected Buildings. Your application needs to comply with Policy GP5 to be approved. The best way to meet Policy GP5 is to design the alteration so that it firstly, will not harm or secondly, minimises harm to the special interest of the protected building.
- 5.2. Where any harm would occur to the protected building, Policy GP5 requires us to balance that harm against the 'benefits' of the proposal as well as the reasonable aspirations of the property owner.

Alterations that might be a reasonable aspiration:

- Where an element of the building is shown to be beyond repair or maintenance
- Where dangerous materials have been found, e.g. asbestos, and must be removed
- For health and safety reasons, e.g. to make safe a structural element of the building, to allow for fire escape or to install guard rails to prevent falls
- To remedy water ingress, e.g. a leaking roof or gutter
- Improving human comfort, sanitation, access, health and well-being
- Where accidental damage has occurred, e.g. fire, flood or collision
- Producing renewable energy, or reducing use of energy/resources
- To enable the introduction of services, such as running water, electricity or drainage, to a building that previously had none or where that present was not fit for purpose

The above list is intended to provide some examples and is not conclusive. Deliberate neglect or damage cannot be taken into account.

Applicants should include a statement to explain why any harmful works are necessary.

- 5.3. The following 'benefits' are highly unlikely to apply to the type and scale of work envisaged by the guidance note:

- Any benefits to the social and economic aims of the States of Guernsey
- Contribution of the development to the vitality of a Main Centre.

6. Information to submit with your application

- 6.1. The information required for an application for planning permission for work to a protected building is the same as for all other planning applications, with some extras.
- 6.2. An accurate description is necessary of the works you want to carry out. If you can't sufficiently describe the works on the application form, you can describe the works in a statement to support the application. Please also explain why the works are necessary.
- 6.3. Ideally, you should include a statement of what is special about your building or the parts of the building that will be affected. This might seem to be a daunting task but if you provide us with the following we can combine it with information that we have (e.g. planning history, aerial photography, historic maps) and we should have enough information to understand your building:
 - A description of the fabric or feature affected, i.e. age, material, defects;
 - Information to clearly show where in or on the building the proposed works will occur. In most cases up to date, annotated photos (close up photos as well as photos showing the location in context) of areas to be altered will be adequate and formal drawings may then not be needed;
 - Historic photos (if available);
 - Any knowledge you might have of the building, or part of the building, affected. This might be as simple as "My parents replaced the windows in the 1980s", or "The building was completely renovated in the 1960s". It is helpful if you can provide evidence of these works, such as photos;
 - Any other information you think is relevant.
- 6.4. If you provide us with the above information your application will be able to be processed more quickly and is more likely to receive a positive outcome.

Further information

There is no fee where the planning application is necessary only because the building is protected.

Information on the necessary content of a planning application can be found in the DPA Practice Note 2: Making a Planning Application and in the Planning Application Form – Notes. Where further advice is required please contact the Planning Service at planning@gov.gg

Case Study: Replacement of a fireplace

The following pages are intended to give an indication as to the level of information that might be required to submit a valid application for planning permission.

It must be noted that this may vary from proposal to proposal and from building to building but the following information should form a useful basis.

Images are taken, with owner's authorisation, from an application made for a property in the Vale



Images, clockwise from top left:

Block location plan showing position of the proposed work

Photos to show problems with the existing: broken tiles and tile support frame; insert edging has detached from firebox and hood



Removal of internal render (for replacement with a lime-based render – agreed Class 3 Exemption) necessitated removal of the fireplace which we had intended to reinstate along with replacement of tiles which were cracked. On commencing removal it was found that the fireplace is damaged and not able to be repaired. We therefore request permission to replace the fireplace unit with a similar unit, either reproduction or restored. Please see photos below.

The Cottage is a mid-late 19th century building which was refurbished in the 1990s at which point the current fireplace was inserted. This is a reproduction unit with a modern timber surround and is of low value. Replacement is necessary due to the irreparable condition of the modern existing. It is hoped to obtain a restored Victorian unit which would better complement the building.

Images, from top:

The fireplace shown in context in the room

A description of the proposed work

A brief statement showing the applicant's understanding of the relevant part of the protected building

The proposed replacement unit



Further Information

- The Land Planning and Development (Guernsey) Law, 2005
- The Land Planning and Development (Special Controls) Ordinance, 2007
- The Land Planning and Development (Exemptions) Ordinance, 2007
- Conservation Advice Note 1: Your Protected Building
- Conservation Advice Note 8: Explaining the Notice
- Conservation Advice Note 6: Criteria for the Selection of Buildings for the Protected Buildings List
- Conservation Advice Note 11: Windows and Doors in Protected Buildings
- Conservation Advice Note 12: Understanding the Special Interest of Your Protected Building

- DPA Practice Note 2: Making a Planning Application
- Search and download the Protected Building Notice at <http://planningexplorer.gov.gg/portal/servlets/ApplicationSearchServlet>

The following have/are publications related to other jurisdictions. They are useful, but must be read with care to ensure relevance to Guernsey's Planning Law, Ordinances and policies:

- Historic England - historicengland.org.gg
- Society for the Protection of Ancient Buildings - spab.org.uk
- Historic Environment Scotland - historicenvironment.scot
- cadw.gov.wales
- BS 7913:2013 Guide to the Conservation of Historic Buildings (2013)

Contact Us

For further information and advice at:
The Office of the Development and Planning Authority
Sir Charles Frossard House
St Peter Port
GY1 1FH
Telephone 01481 226200
E-mail planning@gov.gg

Have you Visited our Website?

Go to <http://www.gov.gg/> for additional guidance material on protected buildings and other planning information.

This note is issued by the Development & Planning Authority to assist understanding of the provisions of the current planning legislation. It represents the Authority's interpretation of certain provisions of the legislation and is not intended to be exhaustive or a substitute for the full text of the legislation copies of which are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg. Substantive queries concerning the legislation should be addressed to the Authority by telephone on 226200. The Authority does not accept any liability for loss or expense arising out of the provision of, or reliance on, any advice given. You are recommended to seek advice from an independent professional advisor where appropriate.