

Conservation Advice Note 1

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Your Protected Building



Development &
Planning Authority



CONSERVATION ADVICE NOTE 1

YOUR PROTECTED BUILDING

Historic buildings are a precious and finite resource and are powerful reminders of the traditions, work and way of life of earlier generations. Buildings placed on the list of protected buildings for their 'special historic, architectural, traditional or other interest' are known as protected buildings.

There are currently some 1600 protected buildings in the Bailiwick of Guernsey. Protected buildings are selected for their special interest, which can include any or all of the following reasons: age, architecture, history, historical association, demonstration of traditional crafts and skills. A building may be protected because it forms an important group with adjacent buildings, or because it represents innovatory building techniques.

This advice note sets out the main terms of planning legislation for protected buildings.

How do I know if my building is protected?

The list of protected buildings provides a brief description of each protected building and the scope of protection, i.e. whether the whole of the building, the exterior, the façade and/or other structures are protected.

What is protected?

Whole: Where protection extends to the "whole" of the protected building, this means everything from the chimney pots down to the foundations as well as the inside of the property is protected. Many buildings have been altered or extended over time, and all phases of the building are protected unless explicitly excluded by the description.

Exterior: Where the protection extends to the "exterior" only the interior of the building is not protected.

Façade: Where the description states "façade" is protected this means the main wall of the building.

Other structures: In some cases further buildings and structures are mentioned on the description such as walls, gate piers and outbuildings. Where these are mentioned they are also protected.

A copy of the list of protected buildings can be inspected on-line on the Planning website https://www.gov.gg/built_natural_historic_environment or at Sir Charles Frossard House.

Protected buildings and planning permission

The requirements for protected buildings are much higher than the requirements for other non-protected buildings. There is a legal requirement to obtain planning permission for any alterations, extensions or changes, including many repairs, to a protected building and any associated protected structures.

The fact that a building is protected doesn't mean that it can't be changed in any way. It does however mean that any changes should preserve or enhance the special characteristics of the building. There is a legal obligation to preserve, so far as is possible, the special historic, architectural, traditional or other special characteristics of protected buildings.

There is also a legal presumption against partial or total demolition or destruction of a protected building and against development which adversely affects its special character. This means that care needs to be taken in developing proposals, and works that will involve the loss of historic fabric or the alteration of historic features must be carefully justified. We can help you with this process.

When planning permission is required

Planning permission is required for development, including:

- The demolition of a protected building, in whole or in part;
- Extensions and alterations, including alterations to the building that would affect its character as a building of special architectural, traditional or other interest;
- Internal alterations where the whole building is protected;
- There are few exemptions with most works needing permission.

Permission is not normally required for repairs to protected buildings. However, where repairs will involve alterations that will affect the special interest of a building, permission is required. Whether repairs constitute alterations which would require permission is a matter of fact and degree which must be determined in each case. We can advise you as to whether or not permission is required.

You should note that it is an offence to demolish, extend or alter a protected building without first obtaining planning permission. Penalties can be imprisonment or a heavy fine of up to £50,000.

There is no formal legal duty to maintain your protected building, but we do have power to intervene where works are urgently required to preserve a building or to prevent its deterioration.

Making an application for planning permission

Proposals for changes to protected buildings need to be drawn up with care and understanding. You are advised to discuss your proposals with us at the earliest possible stage prior to making an application, so that you can discuss the changes you would like to make and so we can tell you what is likely to be acceptable. This pre-application advice is provided free of charge.

Other special forms of information may be required to accompany your application, such as a Statement of Significance (see separate advice note); survey plans; condition surveys of the whole or relevant part of a building; method statements for specialist works; an analysis of the impact of the proposal on the character, appearance and fabric of the building or structure. The Department can advise on additional information requirements.

You may wish to employ professional assistance from an agent experienced with historic buildings. Your agent will be able to assist with completion of forms and submission of plans and other documentation in support of your proposal.

Other permissions and consents

You may need other permissions or consents in relation to any works you intend to carry out, which may include a licence under the Building Regulations or fire legislation. You and/or your agent will need to contact the relevant bodies to ensure that these permissions and consents are in place.

Further Sources and References

- The Land Planning and Development (Guernsey) Law, 2005
- The Land Planning and Development (Special Controls) Ordinance, 2007
- Urban Area Plan
- Rural Area Plan

You can access all of the above on the Planning website www.gov.gg/planning.

Contact Us For further information or advice at:

The Office of the Development & Planning Authority
Sir Charles Frossard House
St Peter Port
GY1 1FH
Telephone 01481 226200
Email planning@gov.gg

Have you visited our website?

Go to www.gov.gg/planning for additional guidance material and other planning information, or to book a pre-application discussion

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 email at planning@gov.gg. 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.