

Annual Report

2017

**Eighth Annual Report of the Guernsey Planning
Panel**

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Chairman's Introduction

I am pleased to present this the eighth (but my first) Annual Report of the Guernsey Planning Appeals Panel covering the period of the 1st January to the 31st December 2017. Having been appointed by the States of Deliberation as Chairman with effect from the 1st April 2017 I am pleased to report that the Panel continues to provide an expert and independent forum for the hearing of planning appeals.

It will be noted that the number of appeals against a refusal of planning permission has fallen this year from nine in 2016 to four in 2017. This could be a reflection on the slowdown of development in the Island or an indication that the more permissive policies of the Island Development Plan are now starting to have an effect.

As will be seen from Appendix 2 quite a number of appeals were made in 2017 which did not come to fruition as either they were withdrawn by the Appellant or conceded by the Development & Planning Authority. In addition several cases were resolved by new planning applications being made to remedy an earlier breach of planning permission. Although this has reduced the Panels work load it can only be beneficial to Appellants that they are able to resolve matters with the Development & Planning Authority rather than having to take the more expensive and uncertain route of progressing an appeal.

During the year the Panel in conjunction with its Annual General Meeting held a training course on the new High Hedge (Guernsey) Law, 2016 which is now in force although as yet we still await our first appeal in respect of this recently enacted legislation.

As referred to in the main body of the Annual Report, the Panel came under close scrutiny concerning the appeal relating to the Les Blanches development in St Martin. The appeal once again raised the thorny issue of third party representations. Following discussions with the Law Officers and the Committee *for the* Environment and Infrastructure, I believe that a way has been found to hear such representations where the representor is able to provide evidence which is relevant and material to the issues being determined by a Planning Tribunal.

As mentioned at the beginning of this introduction this is my first report as Panel Chairman. I and the Panel are indebted to Mr Patrick Russell, our former Chairman, for his time expertise and guidance in the establishment of the Panel and I hope that I will be able to continue his good work. Following Mr Russell's resignation as a member of the Panel, I am pleased to welcome Advocate Mark Dunster as a new lay member Mark having been elected by the States of Deliberation in September 2017.

I am most grateful for the expert knowledge and support given by the Panel's Vice Chairman, Mr Stuart Fell, together with the expertise of our professional members, Mrs Linda Wride and Mr Jonathan King. In addition the remaining lay members of the Panel have all contributed substantially to the work of the Panel over the last twelve months and I am grateful for their assistance and wise counsel.

Our administration and secretarial function has once again been undertaken in an exemplary manner by Miss Elizabeth Dene who I and the Panel wholeheartedly thank particularly for her work in respect of the Les Blanchés appeal and in respect of the Panel's prompt response to the Arm's Length Body Review which was commenced in late 2017.

I expect that 2018 will provide new challenges for the Panel but I am confident that the Panel is well placed to deal with these as and when they arise.

David Harry
Chairman
June 2017

1. The Planning Panel

The Planning Panel was established in April 2009, under the Land Planning and Development (Guernsey) Law, 2005 (2005 Law) to determine appeals against planning decisions made by the Development & Planning Authority¹.

The Panel is an independent appeal body, with its own secretariat and administration. The Panel members are appointed by the States of Guernsey. To ensure the independence of the Panel the following groups of people cannot serve on it:

- (a) A Member of the States of Deliberation
- (b) An employee, member, or anybody carrying out work or providing services for the Environment Department
- (c) A member of the Strategic Land Planning Group
- (d) Anybody holding judicial office in Guernsey
- (e) Anybody who has held any of the above posts in the preceding two years.²

2. Planning Panel Membership

In early 2017, Mr Patrick Russell, the Panel's Chairman since it was established in April 2009, gave notice of his intention to step down from the Panel with effect from 31st March 2017.

The Panel echoes the Committee's thanks to Mr Russell and appreciation for his hard work in leading the Panel for its first eight years. The Panel recognised that Mr Russell's considerable professional experience, especially as a part-time Tribunal Judge of the First-Tier Tribunal, Health, Education and Social Care Chamber, has helped establish the Panel as a fair and accessible appellant body for those wishing to challenge a planning decision.

The Committee *for the* Environment & Infrastructure nominated Mr David Harry to replace Mr Russell as Chairman and the States of Deliberation approved this nomination and elected Mr Harry in March 2017.

Mr Harry was initially appointed to the Panel in 2009 as a "reserve member" and in September 2012 he was elected as a lay member. Mr Harry has sat on a large number of appeals and participated in and contributed to training for Panel members.

In 2014, Mr Harry retired from professional practice as a solicitor specialising in property matters.

¹ See section 86 of the Land Planning and Development (Guernsey) Law, 2005

² See section 4 of the Land Planning and Development (Appeals) Ordinance, 2007

During his career, Mr Harry gained a wide ranging commercial and private client legal experience including advocacy before courts and tribunals and considerable property and planning experience in connection with residential and commercial property situated in England and Wales.

Mr. Harry has been actively involved in Island life and has served on the St. Peter Port and St. Andrew's Douzaine (he stood down from the St. Andrew's Douzaine in December 2016). He has also been actively involved in sport on Guernsey, especially cycling. He is also chairman of the Guernsey Commonwealth Games Association and is a member of the panel of legal advisers appointed to advise the Commonwealth Games Federation is a member of the Commonwealth Games Federation Court.

In addition, following Mr Russell's resignation, the Committee *for the* Environment & Infrastructure advertised for a new member. The advertisement attracted ten applications and following shortlisting and interviews, Advocate Mark Dunster was put forward for election by the States of Deliberation. In addition, the Committee *for the* Environment & Infrastructure agreed to appoint Mrs Victoria Russell as a "reserve member".

Advocate Dunster was called to the Guernsey Bar in 1997 and is currently a managing partner at Carey Olsen. He specialises in litigation, compliance and financial regulatory matters. Advocate Dunster is the current Chairman of the Guernsey Association of Compliance Officers, and a member of the Legislation Review Panel which reviews draft new laws and ordinances and recommend changes to legislation. He is also the former Bâtonnier (Chairman) of the Guernsey Bar Association

Mrs. Russell trained as a nurse before moving to Asia. Whilst living in the Isle of Wight, Mrs Russell was elected as Chairman of the Local Conservative Association. She was also a lay representative on the Planning Control Committee, Church Warden, and lay governor of a primary school. During her time on the Isle of Wight Planning Control Committee, Mrs. Russell, participated in various planning-related training including, training in Design in Context organised by the Chartered Association of Building Engineers. Since returning to Guernsey she has been appointed to the Board of Governors for the College of Further Education and as a member of the Guernsey Tax Tribunal.

The Panel is confident that Advocate Dunster's and Mrs Russell's knowledge and understanding of planning matters will ensure the Panel continues to provide informed, independent and evidence-based decision making at a high professional level.

3. Panel Staff

In 2017 there were no staff changes and Miss Dene continues to act as the Panel's Secretary on a half-time basis.

4. Casework

In 2017 (2016), the Panel received 19 (24) appeals. This represents a slight decrease on the number of appeals lodged in 2016. Tables 1 and 2 provide a breakdown of the categories of appeals made and their disposal.

<u>Table 1</u>	Number of Appeals					
	2017		2016		2015	
	Commercial	Householder	Commercial	Householder	Commercial	Householder
Refusal of planning permission	1	3	3	6	6	10
Refusal of outline planning permission	1	--	1	--	--	--
Planning conditions	--	--	--	1	--	--
Non-determination	--	--	--	--	--	--
Compliance Notices	3	8	--	7	6	5
Completion Notices	--	--	--	--	--	--
Confirmation of a Tree Protection Order	--	--	--	1	--	--
Addition to Protected Building List	--	3	2	3	1	6
TOTAL	5	14	6	18	13	21

At the end of 2017, two appeals remained unheard. One of the appeals was lodged in late December 2017. In the other case, the appellants had requested a deferment of consideration of their appeal against the addition of a building to the Protected Buildings List whilst pre-application advice was sought from the Development & Planning Authority.

Table 2
Breakdown of
Appeal Cases by
Outcome

Table 2 Breakdown of Appeal Cases by Outcome	Number of Appeals			Outcome																	
				Allowed (i.e. where the Tribunal found in favour of the appellant)			Dismissed (i.e. where the Tribunal upheld the Department’s decision)			Other											
										Withdrawn by Appellant			Conceded or Withdrawn by Department			Appeal out of time			Dismissed under s.69(5) of the 2005 Law		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Refusal of planning permission	4	8	16	--	1	7	3	3	8	1	3	1	--	--	--	--	--	--	--	--	--
Refusal of outline planning permission	1	1	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Planning conditions	--	1	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non- determination	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Compliance Notice	11	9	11	--	--	1	5	--	5	3	4	--	1	1	1	1	1	1	--	3	--
Completion Notice	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Confirmation of a TPO	--	1	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Add building to or amend existing entry on Protected Building List	3	4	7	--	--	1	1	2	2	2	1	1	--	1	1	--	--	--	--	--	--
TOTAL ³	19	24	34	1	3	9	9	5	15	6	8	2	1	2	2	1	1	1	0	3	--

³ 2 appeal cases (1 appeal against the planning conditions attached to the grant of planning permission and the other relating to the refusal of outline planning permission) remain unheard as the parties had either submitted revised planning applications or requested additional time to try and negotiate a settlement with the Development & Planning Authority

5. Case Administration

As noted above, there remains a strong preference for appellants to request that an appeal be heard before a Planning Tribunal.

Table 3 provides a more detailed breakdown of representation. In 2017, just under half of the appellants were represented by an Advocate or Architect. The Panel continues to encourage appellants, where they wish, to present their own appeals without the need for professional representation.

The Panel is mindful that, when it was established, one of the main reasons for moving away from appeals before the Royal Court to a Tribunal approach was to enable anybody who had been refused planning permission to be able to appeal the decision without having to incur possibly substantial legal costs.

Table 3 Breakdown of Representation⁴		2017	2016	2015	2014
Unrepresented		8	13	10	6
Unrepresented but assisted by friend or family member		1	--	1	1
Represented	Architect	4	17	8	10
	Advocate	1	15	4	4
	Planning consultant	7	3	3	--
	Surveyor	1	--	2	--

6. Case Review

The Decision Notices for each planning appeal is set out in Appendix 1. In 2017 (2016), 10(8) of the appeals lodged proceeded to an adjudication.

In 2017, three cases involved matters which the Panel believe merit more detailed comment and review in this report, namely

- (a) The rights of third party representors to give evidence at an appeal hearing (arising from PAP/003/2017 – appeal against the refusal of outline planning permission for a residential development at Les Blanchés, St Martin);
- (b) The relationship between the Urban and Rural Area Plans and the Island Development Plan (arising from PAP/003/2017 – appeal against the refusal of outline planning permission for a residential development at Les Blanchés, St Martin);

⁴ Numbers relate to appeals determined at a public hearing; in some cases the appellant was represented by an Advocate together with other professional parties

- (c) Appeals under section 72(1) of the Land Planning and Development (Guernsey) Law, 2005 to the Royal Court (arising from PAP/001/2017 – appeal against a Compliance Notice issued in respect of an alleged breach of development control at 2 Courtil des Vent, Rue de la Fallaize, St Martin).

(a) *The rights of third party representors to give evidence at an appeal hearing*

In 2017, this matter was again raised in respect of the appeal against a refusal of outline planning permission at Les Blanchés, St Martin. The planning application had attracted over 90 individual representations and a petition containing over 250 signatures was also submitted. All opposed the development.

This is a matter which the Panel has raised in previous Annual Reports. Third party representors do not have a right to give evidence to a Tribunal but, the Tribunal may call them to give evidence. Section 5 (h) of the Land Planning and Development (Appeals) Regulations, 2009 provide a Planning Tribunal with the powers to call as witnesses any third party representors where there may be a need to do so, namely:

“The Appellate Body may call for such documents and examine such persons on oath, affirmation or otherwise as appear likely to afford evidence which is relevant and material to any question to be determined by the Appellate Body.”

The Panel has reflected further on this matter and, having taken legal advice, is satisfied that the provisions under section 5(h) of the Land Planning and Development (Appeals) Regulations, 2009 provide a Planning Tribunal with the powers to call as witnesses any third party representors where there may be a need to do so.

In its preparation for the appeal hearing, the Tribunal carefully reviewed each of the written representations and identified the concerns raised in the letters. The Tribunal considered whether it was feasible to examine some of the third party representors during the hearing. Having reviewed each letter, it concluded that, as the representations were clear as to the reasons why the authors opposed the development, there were no matters on which the Tribunal was unclear about the points the representors were making. Therefore, it concluded that there was no need to ask representors to appear before the Tribunal.

The Tribunal decided to prepare its agenda to ensure that the parties, i.e. the appellant and the Authority, were questioned in detail on the matters raised in the written representations and did not call any of the representors to give evidence in person.

The Tribunal also directed the Secretary to write individually to the representors to explain the procedure for appeals against the refusal of planning permission and the limitations placed on the Tribunal by virtue of section 69(1) of the 2005 Law. In total, four separate letters were sent to the third party representors to explain the procedure for the hearing itself and other aspects of the appeal process. In addition,

the Panel issued additional guidance specifically aimed at anybody who had submitted an objection to a planning application (see Appendix 4).

Prior to the hearing, a small number of the third party representors questioned why they could not address the Tribunal and many attended the hearing to follow the proceedings. However, following publication of the Tribunal's Decision Notice confirming that the Tribunal had decided to allow the appeal, subject to some limitations on access routes, many of the representors questioned why they had not been allowed to appoint representatives and be granted the same rights as the parties to address the Tribunal, including cross-examining the parties, and present their points and concerns in response to questions from the Tribunal.

The Panel appreciates the frustrations expressed by the representors and understands why some observers may question the fairness of the planning appeal process. However, a Tribunal must act within the vires of the 2005 Law. Planning appeals are a judicial process.

The Panel has provided feedback to the Committee *for the Environment & Infrastructure* on the appeal process generally and the rights of third party representors to give evidence at appeal hearings. In the meantime, the Panel will continue to write to all third party representors when an appeal under section 68(1) of the 2005 Law is registered and invite them to review the appeal bundles and attend the hearing. Further, the Panel will continue to, on a case by case basis, review the representations and where necessary to clarify a matter invite third party representors to address a particular matter, question or issue to assist the Tribunal in its understanding of the representations.

(b) *The relationship between the Urban and Rural Area Plans and the Island Development Plan*

The appeal against the decision to refuse outline planning permission for a residential development of 12 houses and 14 apartments on a field at Les Blanchés in St Martin raised a number of concerns regarding how planning policy transfers from one development plan to a new one.

The Authority's decision was reached in September 2016 under the planning policies of the Rural Area Plan but in November 2016 the States approved and adopted the Island Development Plan as the relevant development plan under sections 10 and 11 of the Land Planning and Development (Plans) Ordinance, 2007. The appeal was lodged in February 2017. However, section 69(1) of the Land Planning and Development (Guernsey) Law, 2005 directs that a Tribunal may only determine an appeal against the refusal of planning permission on the basis of the evidence, facts and material before the Authority when it reached its decision.

In the Les Blanchés case, the Authority had made its decision to refuse planning permission having applied the policies in the Rural Area Plan. The adoption of the Island Development Plan resulted in a number of policy changes which meant that there was no planning gateway to allow the appeal site to be developed as proposed by the developers in the Les Blanchés application. In particular, following a successful amendment to the Island Development Plan, the appeal site and the adjoining fields were designed as Agriculture Priority Area (“an APA”). The Island Development Plan defines an APA as,

*“**Agriculture Priority Areas** are large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey’s most valuable agricultural land.”*

The policies within the Island Development Plan place significant restrictions on development in an APA. For example paragraph 17.3.6 states,

“Within Agriculture Priority Areas there will be support for development which is related to the agricultural use of an existing farmstead or existing agricultural holding. Support will also be given where development is proposed which would be ancillary or ordinarily incidental to the principal agricultural use but may not, of itself, be an agricultural use. This will give flexibility for agricultural businesses to consider limited diversification to develop a use which, whilst supporting the agricultural business, is nevertheless still ancillary or incidental to the agricultural use. For example, this would facilitate the development of a small farm shop selling goods and produce predominantly grown or made on the particular holding or development associated with providing visitor accommodation ancillary to the agricultural use of the site. Where policies would not support the proposal as a stand-alone use, the Authority will need to be satisfied that any proposed development is genuinely ancillary or ordinarily incidental to the principal use and is not likely to result in an incremental change that would change the principal use. For this reason planning conditions may be attached to any permission granted to ensure the scale and nature of the development remains ancillary or ordinarily incidental to the principal use.”

The appeal site had been identified as including some of Guernsey’s best agricultural land and paragraph 17.3.10 sets out the higher level of protection for such land,

“However, in order to protect Guernsey’s best agricultural land, where appropriate, proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Areas will only be supported where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan.”

A number of the many third parties opposing the development and the States Deputies who had proposed and supported the amendment to the Island Development Plan were understandably disappointed to note that the Tribunal considering the appeal could not give any weight to the change in status of the site and the strict limitations the designation of the appeal site as an APA under the Island Development Plan.

The Panel is mindful that in Guernsey, unlike in England and Wales, a Tribunal can give no weight to an emerging development plan. It also acknowledges the understandable frustrations of those who believe when the appeal site was designated as an APA no development would be possible on the site.

Here again, the Panel has provided feedback to the Committee *for the Environment & Infrastructure* on the appeal process generally and, in particular, the limitations section 69(1) of the 2005 Law place on a Tribunal and the weight that could be given to an emerging Development Plan.

(c) *Appeals under section 72(1) of the Land Planning and Development (Guernsey) Law, 2005 to the Royal Court*

One appeal determined in 2017 was appealed to the Royal Court under the provisions of section 72(1) of the Land Planning and Development (Guernsey) Law, 2005. The appellant, Mr Ozanne, was served with a compliance notice by the Development & Planning Authority on 23rd December 2016 requiring the permanent removal from land at 2 Courtil des Vents, Rue de la Fallaise, St Martin of a moveable structure, namely a Kia Sportage vehicle.

In brief, this case was about a vehicle which had been damaged in a road traffic collision in August 2010. Following the accident Mr Ozanne had placed it on his property intending to either repair the vehicle or use it for spares. He placed the vehicle on an area of his property which was outside the property's domestic curtilage.

The vehicle remained on the land and in August 2015 the Authority received a complaint about the vehicle as the complainant was concerned that the vehicle was an eyesore, potentially dangerous and appeared abandoned. The Authority commenced enforcement proceedings and in December 2015 a compliance notice was issued requiring Mr Ozanne to remove the vehicle from the land it was on. This notice was appealed and in April 2016, a planning tribunal dismissed the appeal but issued a revised compliance notice to correct factual errors in the original notice.

Following receipt of the tribunal's decision notice, Mr Ozanne cut off the roof of the vehicle with an angle grinder and left the vehicle in situ with the roof now resting on the chassis.

In December 2016, following further correspondence between the Authority and Mr Ozanne, the Authority went to Mr Ozanne's property to remove the vehicle. At this point, Mr Ozanne raised a Clameur de Haro stopping the Authority's actions.

The Clameur was duly registered in the Royal Court and it was at this point that Mr Ozanne pointed out a typographical error on the amended compliance notice whereby the incorrect sub-section of the 2005 Law was referred to. The Royal Court held that the revised compliance notice was therefore ultra vires.

Following this decision, the Authority issued a new and corrected compliance notice in December 2016 and Mr Ozanne appealed this notice. The appeal was heard by a planning tribunal on 10th March 2017 and it issued its written decision on 31st March 2017. The appeal was dismissed and the compliance notice was upheld.

On 28th April 2017, Mr Ozanne issued a notice of appeal under section 72(1) of Land the 2005 Law against the Tribunal's finding. Mr Ozanne argued two matters of planning law, namely:

- (a) Whether the vehicle was a "moveable structure"; and
- (b) The date on which the act of "placing" the vehicle on the appeal site took place.

On 11th September 2017, when the appeal was heard by the Bailiff, Mr Ozanne successfully sought permission to amend his grounds of appeal to include a number of procedural irregularities during the appeal hearing before the Tribunal. Mr Ozanne alleged that:

- (a) The hearing had not be recorded and so no transcript of the hearing was available; and
- (b) During a recess, the Tribunal members had a closed/private meeting with the officers of the Authority from which Mr Ozanne was excluded.

Although not a party to the appeal, the Panel provided the Royal Court with sworn affidavits from each of the Tribunal members, including a copy of their hand-written notes made during the hearing, and the Panel's Secretary refuting any suggestion that a closed/private meeting had taken place between the Tribunal members and the Authority during the hearing.

In her affidavit, the Panel's Secretary explained the Panel's general practice during adjournments. Where a separate room for use by the Tribunal is not available, the Panel's Secretary is responsible for asking all parties and any members of the media and the general public to leave the hearing room. The door is then closed and remains closed until the Tribunal directs the Panel Secretary to invite the parties and any others to re-enter the room.

The Bailiff concluded,

“58. As the Tribunal met in a location where there was no retiring room or other private room available for the Members, it is inevitable that at the beginning and end of a session, one party may be present in the room with them at a time when the other party is absent. That is unavoidable however I am satisfied that the Tribunal Members and the Secretary were aware of their responsibilities and I accept their evidence that no conversation took place between them and the representatives of the Authority when the Appellant was out of the room. The Appellant was not present so his allegation that a conversation took place is merely speculative and is insufficient to disprove what the Members and Secretary of the Tribunal said in their affidavits.”

Following a further hearing on 11th December 2018, the appeal was allowed and the compliance notice was quashed. The Bailiff held,

“100. I have therefore concluded the Vehicle was a moveable structure that had been placed on the Appellant’s land. The act of doing so was a breach of planning control.

101. The next question is when did that act occur, the act of placing the Vehicle on the land? In my judgment, it occurred when the Appellant drove the Vehicle onto the land. The Tribunal were led into considerations of whether the Vehicle was or was not roadworthy and whether for the purposes of the motor vehicle legislation it was still considered to be a motor vehicle by reason of the fact that it still had a chassis and a chassis number. I have no doubt that the Appellant presented his submissions on that issue with great passion and with the benefit of his research and thorough analysis, just as he did in the Royal Court. The Tribunal were led into making findings of fact as to the Vehicle’s roadworthiness that were irrelevant to the issues before them. The earlier Tribunal had done the same and perhaps their approach misled the later Tribunal.

102. The date of the breach of planning control was the date on which the Appellant drove the Vehicle onto his land after the road accident. That was a date on or before the 20th August 2010 when he bought a replacement vehicle. That date was more than four years prior to the issue of the 2016 Compliance Notice and was therefore outside the period when enforcement action could be taken by the Authority under the amended section 48(4) of the 2005 Law.”

In respect of Mr Ozanne’s point on whether the proceedings should have been recorded, the Bailiff stated,

“73. It can be seen that there are inconsistencies between the several sets of notes but that is not surprising and does not render the notes unreliable. The Tribunal Members are not expected to make a complete note of the entire hearing. The purpose of their notes is to act as an aide memoire to assist them in the preparation of their decision by reminding them of the key passages in the evidence and submissions they will have heard. One difficulty that any judge or tribunal member has is that it is not always apparent at the time which passages in the proceedings are the most important. Another reason why a note may not be complete is that the judge or tribunal member will be paying attention to other aspects such as the presentation and demeanour of any witnesses to enable him or her to assess their credibility. At the time of making the note, it probably did not occur to the Members that what they wrote would have to be produced to an appellate court and scrutinised some time afterwards.”

and,

“81. Finally, the Appellant raised the lack of a recording and transcript of the Tribunal proceedings. There is no requirement for the proceedings to be recorded or transcribed. The Tribunal might find it helpful if the proceedings were recorded but the absence of a recording is not unjust. The Tribunal members made contemporaneous notes and their notes have been disclosed to this court.”

The Bailiff went on to conclude,

“82. I reject all the procedural criticisms raised by the Appellant.”

The Panel recognises that appeals to the Royal Court are an important part of the appeal process. The Panel has studied the Royal Court’s judgment and is reviewing its procedures and practices to ensure that all appeals continue to be considered fairly and transparently.

7. Update on Issues raised in the Planning Panel’s previous Annual Reports

(a) *Third Party Representations*

In previous Annual Reports, the Panel has commented on the restrictions placed on third parties and indicated its agreement that some relaxation of the current restrictions placed on taking evidence from third parties would be beneficial.

See Section 6(a) above for more detailed comments arising from one case heard during 2017.

(b) *Appeal Periods*

The Panel has previously raised concerns that in some cases where an individual is appealing against a refusal of planning permission on a retrospective application and an associated Compliance Notice, the difference between the two appeal periods (six months from the date of the refusal of planning permission and 28 days from the date of service of a Compliance Notice) may be used as a means to delay enforcement action.

The Panel is disappointed that the Authority has been unable to progress an amendment to 2005 Law to amend the appeal period in the case of planning applications where enforcement action has been formally commenced. However, it understands that whilst the proposed amendment may appear relatively minor, it would involve a significant number of consequential amendments to the enforcement provisions within the 2005 Law and Land Planning and Development (Appeals) Ordinance, 2007, the Land Planning and Development (Appeals) Regulations, 2009 and other Ordinances. The Panel appreciates that the Authority's resources are limited and, following the adoption of the Island Development Plan a number of new work streams have commenced. The Panel notes that this matter remains on the Authority's list of matters which require action and hopes that it may be possible to progress this matter in late 2018.

(c) *Use of Character Assessments and Statements of Significance for Conservation Areas*

The Panel is pleased to note that the Island Development Plan includes character assessments and statements of significance for the Conservation Areas designated under the Plan.

8. Other Developments during 2017

(a) *Commencement of the High Hedges (Guernsey) Law, 2016*

On 2nd October 2017, the High Hedges (Guernsey) Law, 2016 came into force in October 2017. The High Hedges (Guernsey) Law, 2016 is intended to act as a last resort, when all other attempts to resolve the problem through discussion with the neighbour have failed.

The Panel is be the appellant body for parties to appeal decisions by the Authority against decisions under section 8(5)(a) that the allegation made in the complaint is not justified, or under section 8(5)(b) that no action should be taken in relation to the high

hedge. The Law provides a right of appeal to the owners and occupiers of domestic properties in respect of hedges adjoining their property which are over 2 metres high and predominantly of evergreens and the hedge adversely affects the reasonable enjoyment of their property because the hedge forms a barrier to light.

The Panel has issued additional guidance notes for anybody considering whether or not to make an appeal under this new legislation.

The Panel has been advised by the Authority that during the last quarter of 2017 it had not issued any notices under the provisions of the High Hedges (Guernsey) Law, 2016.

(b) *The Land Planning and Development (Use Classes) Ordinance, 2017*

In March 2017, the States approved the Land Planning and Development (Use Classes) Ordinance, 2017.

The Ordinance repeals and replaces the Land Planning and Development (Use Classes) Ordinance, 2007. The main difference between the proposed Ordinance and the current 2007 Ordinance is that the number of use classes is reduced from 44 in the current Ordinance to 28 in the proposed Ordinance so that fewer changes of use will requiring planning permission.

The Authority consulted the Panel prior to presenting the proposals to the States. The Panel noted that the reduction in the number of individual use classes and the alignment of use classes with the new planning policies under the Island Development Plan should prove beneficial to all involved in planning process.

(c) *Certificates of Lawful Use*

In May 2017, the Authority presented a Policy Letter to the States entitled, The Island Development Plan – Provision for a café at Stan Brouard Group’s Landes Du Marché site through the introduction of Certificates of Lawful Use.

Prior to submission of the Policy Letter, the Authority had consulted with the Panel in respect of the appeal provisions where the Authority refused to grant a Certificate of Lawful Use. The Panel noted that the number of applications under this new provision was likely to be low and so should not add unduly to the Panel’s workload.

After consideration of the Policy Letter, the States resolved:

“To approve the proposals to make provision for certificates of lawful use under the Land Planning and Development (Guernsey) Law, 2005, so as to allow applications to be made to regularise unlawful changes of use, where –

(a) *a compliance notice cannot be issued in respect of that unlawful change of use under that Law, and*

(b) *the use does not amount to a contravention of a compliance notice in force at the time of the application,*

including provision for a right of appeal against the refusal of a certificate and other procedural provisions including the making of applications and revocations and provision for fees.”

9. Conclusion

During 2017, the Panel has again continued to build on and develop its knowledge and understanding of development control and its understanding of the planning process. This included reviewing the Island Development Plan and identifying areas where planning policy had changed significantly compared to that the Urban and Rural Area Plans.

The Panel continues to use its best endeavours to ensure that its members are kept up-to-date with relevant planning matters and to review its own policies and practices. This is undertaken through in-house training and regular reviews of its operational policies and procedures whilst monitoring any developments in local planning policy or other States policy which may have an impact on the cases it is asked to determine.

Looking forward to 2018, the Panel anticipates that, aside from the particular issues that may arise from individual appeals, Tribunals will be called upon to determine appeals under the policies in the Island Development Plan. Although the Island Development Plan was adopted in November 2016, none of the five appeals against the refusal of planning permission heard this year were made under the Island Development Plan.

The Panel believes that this is in part due to the fact that people whose planning applications are refused have six months from the date of the refusal of planning permission to lodge an appeal and in part due to the more permissive approach to planning applications under the Island Development Plan.

Finally, the Panel is grateful for the professional and courteous assistance it continues to receive from appellants, their representatives, the Director of Planning and his officers, the President, Board members and Chief Secretary of the Committee *for the Environment & Infrastructure* and officers from other States committee and departments who have given evidence at appeal hearings. The Panel is appreciative of this assistance and recognises that without such co-operation it would face greater challenges in discharging its statutory responsibilities.

Appendices

APPENDIX 1 – PLANNING PANEL MEMBERSHIP

Name	Position on Panel	Date Appointed	Term of Office
Mr Patrick Russell	Chairman	March 2015 ⁵	<i>Resigned 31st March 2018</i>
Mr. David Harry	Chairman Lay Member	September 2012 ⁶	Until March 2021
Mr Stuart Fell	Vice Chairman Professional Member	March 2015 ⁷	Until March 2021
Mr Jonathan King	Professional Member	January 2012	Until March 2018
Mrs Linda Wride	Professional Member	January 2012	Until March 2018
Mrs Sheelagh Evans	Lay Member	January 2013 ⁸	Until March 2019
Mr Mark Dunster	Lay Member	October 2017 ⁹	Until March 2021
Mr John Weir	Lay Member	January 2012 ¹⁰	Until March 2018
Ms Julia White	Lay Member	January 2012 ¹¹	Until March 2018

⁵ Mr. Russell was first appointed as a lay member in March 2009 to serve for 6 years and was re-elected in 2015 for a further 6 year term

⁶ Mr Harry was elected as the Panel's Chairman with effect from 1st April 2018 to serve the unexpired part of Mr Russell's term until 31st March 2021

⁷ Mr. Fell was first appointed as a professional member in March 2009 to serve for 6 years and was re-elected in 2015 for a further 6 year term

⁸ Mrs. Evans was first appointed as a lay member in March 2009 to serve for 4 years and was re-elected in 2013 for a further 6 year term

⁹ Mr Dunster was elected to fill the vacancy created by Mr Russell's resignation for a 6 year term

¹⁰ Mr. Weir was first appointed as a lay member in March 2009 to serve for 3 years and was re-elected in 2012 for a further 6 year term

¹¹ Ms. White was first appointed in September 2011 to serve the unexpired term of Mr. Bowen's appointment (who resigned from the Panel in May 2012) and was re-elected in 2012 for a further 6 year term

APPENDIX 2 - SYNOPSIS OF APPEAL CASES DETERMINED DURING 2017

PAP Ref	Planning Reference	Details	Appeal Outcome
001	ENF/2015/00135	Appeal against a Compliance Notice served on 20th December 2016 for an alleged unauthorised development namely placing a moveable structure, namely a scraped Kia Sportage vehicle on land at 2 Courtil des Vents, Rue de la Fallaise, St. Martin	<i>Appeal dismissed and later overturned on appeal to the Royal Court</i>
002	PB1668	Appeal against decision to add The Barn, La Neuve Maison, Le Coudre, St. Pierre du Bois to the List of Protected Buildings	<i>Appeal withdrawn by appellant</i>
003	OP/2016/1180	Appeal against the refusal of outline planning permission to erect 12 dwellings and 14 flats with associated parking and landscaping at Les Blanches, La Route des Blanches, St. Martin	<i>Appeal allowed</i>
004	ENF/2016/0106	Appeal against a Compliance Notice served on 31st January 2017 for an alleged unauthorised development namely a change of use in that a single dwelling house Côte de Colline, Les Vardes, St. Peter Port, falling within Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2007 is being used as a lodging house for people not living together as a single household and so falling within Residential Use Class 6	<i>Appeal withdrawn by appellant following discussions with the Development & Planning Authority</i>
005	ENF/2016/0106	Appeal against a Compliance Notice served on 21st February 2017 for an alleged unauthorised development namely that agricultural land is being used as a yard for the storage vehicles and other items on land off the Rue des Marette, St Sampson	<i>Appeal withdrawn by appellants</i>

PAP Ref	Planning Reference	Details	Appeal Outcome
006	ENF/2016/0117	Appeal against a Compliance Notice served on 8 February 2017 for an alleged unauthorised development namely the alleged installation of replacement doors and windows to the southern elevation of a dwelling, 2 Le Sommet, Mount Durand, St. Peter Port without planning permission	<i>Appeal conceded by the Development & Planning Authority</i>
007	FULL/2016/1570	Appeal against refusal of planning permission to convert two flats into a single dwelling at Mycot, Hubits de Bas, St. Martin	<i>Appeal dismissed</i>
008	FULL/2016/1895	Appeal against refusal of planning permission to erect two semi-detached dwellings with associated parking at Chez Nous, Baubigny Road, St. Sampson	<i>Appeal dismissed</i>
009	ENF/2016/0190	Appeal against a Compliance Notice served on 8 March 2017 for an alleged unauthorised development namely parking vehicles on agricultural land at Brooklands, Baubigny Road, St. Sampson	<i>Appeal withdrawn by appellants following grant of planning permission to regularise the breach</i>
010	FULL/2016/0213	Appeal against refusal of planning permission to alter and convert Le Chalet Hotel, Fermain Lane, St. Martin to create 17 residential units with associated car parking and landscaping and demolish staff accommodation blocks and outbuildings	<i>Appeal dismissed</i>
011	ENF/2016/0189	Appeal against a Compliance Notice served on 10 March 2017 for an alleged unauthorised development namely the use of land defined as for use in connection with the visitor economy being used to park and store vehicles at the former Strawberry Farm, Rue des Issues, St Saviour	<i>Appeal withdrawn by appellants following grant of planning permission to regularise the breach</i>

PAP Ref	Planning Reference	Details	Appeal Outcome
012	ENF/2015/0130	Appeal against a Compliance Notice served on 22 March 2017 in respect of an alleged unauthorised development, namely the installation of replacement windows and doors without planning permission, at Le Val Farm, Route des Blicqs, Forest	<i>Appeal dismissed</i>
013	ENF/2015/0130	Appeal against a Compliance Notice served on 22 March 2017 in respect of an alleged unauthorised development, namely the replacement of the barn roof without planning permission, at Le Val Farm, Route des Blicqs, Forest	<i>Appeal dismissed</i>
014	ENF/2015/0130	Appeal against a Compliance Notice served on 22 March 2017 in respect of an alleged unauthorised development, namely the replacement of a water pump without planning permission, at Le Val Farm, Route des Blicqs, Forest	<i>Appeal dismissed</i>
015	ENF/2016/0117	Appeal against a Compliance Notice served on 8 February 2017 for an alleged unauthorised development namely the alleged installation of replacement doors and windows to the southern elevation of a dwelling, 2 Le Sommet, Mount Durand, St. Peter Port without planning permission	<i>Appeal dismissed</i>
016	PB1682	Appeal against decision to add The Dolphins, Jerbourg, St. Martin to the List of Protected Buildings	<i>Appeal to be heard in 2018</i>

PAP	Planning	Details	Appeal Outcome
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Ref	Reference		
017	FULL/2017/0867	Appeal against refusal of planning permission to extend domestic curtilage at Bon Temps, Rue des Delisles, Castel	<i>Appeal withdrawn by appellants following grant of planning permission to regularise the breach</i>
018	PB1960	Appeal against decision to add La Galliotte Cottage, Icart Road, St. Martin to the List of Protected Buildings	<i>Appeal withdrawn by appellants following an amendment to the extent of the listing</i>
019	ENF/2015/0187	Appeal against compliance notice issued on 30 November 2017 in respect of alleged breach of planning control at La Hurbede, Hougues Magues Lane, St Sampson	<i>Appeal to be heard in 2018</i>

APPENDIX 3 - THE PLANNING PANEL'S GENERAL POLICIES AND PROCEDURES

(a) Determination of an Appeal by a Single Professional Member

When deciding whether an application should be made to the Committee *for the Environment & Infrastructure* to seek its approval that an appeal should be determined by a Single Professional Member the Panel Chairman will consider the following factors:

- Are the appeal papers complete and self-contained? In other words, can the Tribunal easily understand how the planning decision was reached, the appellants' reasons for appealing the decision and why the Development & Planning Authority is resisting the appeal?
- Are the relevant planning policies and issues clear? In other words, can the Tribunal clearly understand the issues by reading the appeal papers and visiting the site?
- Is there an over-riding public interest? Examples of appeals which may have an over-riding public interest will include large scale developments, developments in areas of particular environmental or historic sensitivity or where the policy issues are unclear. In other words, is there likely to be significant public interest in the development or have the policy issues linked to the appeal ones which are the subject of wider debate so that it is appropriate for a hearing to be held.
- Were any third party representations objecting to the development received by the Development & Planning Authority?
- Are there significant disputes as to the facts?
- Are there any novel legal issues?

(b) Determination on an Appeal by Written Representation by either a Single Professional Member or by a Full Tribunal

When deciding whether an Appeal should be determined by Written Representations by a Single Professional Member the Panel Chairman will consider the factors referred to above in addition to those below relating to determination by a full Tribunal:

- Does the appeal involve a planning application of Island-wide significance or concern development where an environmental statement has or may be required, as specified under section 6 (2) (a) and (b) of the Land Planning and Development (Appeals) Ordinance, 2007?

- Is the matter appealed fairly minor and uncomplicated?
- Is the evidence self-explanatory and complete?
- Were there any third party representations received by the Development & Planning Authority how many and from whom?

(c) General Procedure for Determining Compliance Notices and Confirmation of Tree Protection Order

When deciding whether an appeal against the issue of a Compliance Notice or the Confirmation of a Tree Protection Order should be determined by a Hearing or by Written Representations by either a Single Professional Member or by a full Tribunal, the Panel Chairman's general presumption is that the appeal should be heard by way of public hearing.

This general presumption is because these types of appeal are likely to be of wider public interest and, in some cases, the issues are likely to be more complex, and so require the Tribunal to hear evidence from a number of parties, other than the person making the appeal and the Development & Planning Authority.

(d) General Procedure for Site Visits

When determining an appeal the Tribunal or Single Professional Member will always visit the appeal site.

As a general rule, where an appeal is determined at a public hearing the site visit will take place at the end of the hearing. However, the Tribunal or Single Professional Member may direct that the site visit should take place at the start of a hearing or part way through a hearing. Such decisions will be determined on a case-by-case basis and the Tribunal or Single Professional Member will explain its decision.

These site visits will require the attendance of the appellants and/or his representative and the Development & Planning Authority's representative/s. All parties must be present throughout the site visit and should remain in close proximity to the Tribunal Members to ensure that they can hear any questions that Members may ask and the answers given.

Where an appeal is determined by Written Representations the site visit will generally be made privately, i.e. the attendance of the appellants and/or his representative and the Development & Planning Authority's representative/s will not be required. However, where the Tribunal Members need to gain access to a building or cannot view the appeal site without entering privately owned land the site visit will be

conducted in the presence of the appellants and/or his representative and the Development & Planning Authority's representative/s.

For all accompanied site visits the appellant should ensure he brings any keys which may be needed to afford Tribunal Members access to any locked buildings, sheds, etc. on the appeal site.

(e) General Procedure for Handling Post-Hearing Correspondence with the Parties

As a general rule, the Tribunal or Single Professional Member will not enter into any post-hearing correspondence with the parties. However, from time to time this may be necessary, e.g. to clarify a point made in evidence by either party or to seek both parties' comments on the wording of a non-standard planning condition.

Where it is necessary for a Tribunal or Single Professional Member to open such correspondence copies of any letters or email communications will be sent to all parties, together with the replies received from each party.

(f) General Procedure for Determining Linked Appeals against the Refusal of Planning Permission and against a Compliance Notice

As a general rule the Panel will endeavour to prioritise appeals against Compliance Notices.

This general rule will be modified where retrospective planning permission has been refused and the Development & Planning Authority has commenced enforcement measures before the appeal period for the refusal of planning permission has expired.

The Panel's general policy for dealing with appeals against both the refusal of planning permission and a Compliance Notice seeks to ensure that the party's rights under s.68 of the 2005 Law to appeal a decision refusing planning permission are not interfered with and that the Development & Planning Authority's endeavours to deal with any breaches of the Island's development controls are not frustrated.

APPENDIX 4 - SUPPLEMENTARY GUIDANCE ON PROCEDURES FOR PLANNING APPEAL

This supplementary guidance should be read in conjunction with the Planning Panel's *Guide to Planning Appeals in Guernsey* and only applies to appeals made under section 68(1) of the Land Planning and Development (Guernsey) Law, 2005.

Appeal Bundles

In all cases, the appellant will submit his/her appeal papers, including the grounds for the appeal, to the Planning Tribunal ("the Tribunal") and the Development & Planning Authority will be invited to prepare a written response to the appeal. These documents form the core of the written evidence the Tribunal will have read and carefully considered prior to any appeal hearing.

In some cases, the Tribunal will request the parties (the appellant and the Development & Planning Authority) to submit additional information in order to clarify a particular point or where it appears there is a gap in the information. In doing so, the Tribunal will always be mindful that such requests should not introduce new evidence that was not before the Development & Planning Authority when the planning application was determined. Further, any additional information requested, will be copied to the other party to the appeal and they will also have an opportunity to make any written response.

The parties will each receive a full copy of the appeal papers prior to the appeal hearing.

Further, a copy of the appeal papers will be made available for inspection, on request, at Sir Charles Frossard House by any person who may have submitted a representation in respect of the planning application or otherwise have an interest in the appeal.

Limitations on Evidence

Where a Tribunal is convened to hear an appeal made under section 68(1) of the Land Planning and Development (Guernsey) Law, 2005 ("the 2005 Law"), i.e. an appeal against the refusal of planning permission, section 69(1) of the 2005 Law places a statutory limitation on the evidence a Tribunal may take into consideration when reaching its decision. Section 69(1) states:

"An appeal under section 68 shall be determined by the Planning Tribunal on the basis of the materials, evidence and facts which were before the Department in the case of an appeal under section 68(1), when it made the decision appealed against."

Therefore, the Tribunal cannot consider any evidence, facts or material which was not considered by the Development & Planning Authority when it reached its decision on

the planning application. The only exception to this limitation is where the Tribunal is aware or it is directed towards a published document which, in the Tribunal's opinion, a reasonably competent planning authority should have taken into consideration when determining the planning application.

Further, a Planning Tribunal may only take into account considerations material to planning, in particular those within the terms of the Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances, and may not take into account any matter which is not material to planning. Matters which are not normally planning considerations and which, therefore, cannot normally be taken into account include:

- Effect on land or property values
- The character or identity of the applicant or objectors
- Boundary or property disputes
- How the application affects a private view (as opposed to the wider effect on public amenity which may include the effect on public views)
- Issues of commercial competition
- The status of property under other legislation (e.g. the Housing Control Laws)
- Moral or ethical issues or judgements
- Weight of numbers of public opposition or support in itself (as opposed to relevant planning basis for such views).

Who may address a Planning Tribunal?

The procedure for the determination of an appeal by the Tribunal is set out in Regulation 5 of the Land Planning and Development (Appeals) Regulations, 2008 (see Appendix 1).

Regulation 5(b) limits those parties who have a right to make representations to the Tribunal to the principal parties, i.e. the appellant and/or his/her representative/s and the Development & Planning Authority, and the occupier of the appeal site, if not the appellant. Therefore, other parties with an interest in the appeal, including anybody who may have made a written representation of the Development & Planning Authority as part of the planning process, neighbours to the appeal site, etc., do not have a right to make representations, written or oral, to the Tribunal.

Regulation 5(h) allows the Tribunal to examine such persons as appear likely to afford evidence which is relevant and material to any question to be determined.

A Tribunal may, having carefully considered all the written submissions from the parties, request additional persons to attend the appeal hearing to give evidence in person, including answering questions from the Tribunal members and the parties, or to provide a written response to specific questions. Examples of who may be called under this Regulation include:

- (a) The author of any expert report which was submitted as part of the planning application;
- (b) The appellant's architect, design consultant, etc.;
- (c) Any party, including other States' Committees or service areas, who may have provided a consultation report for the Development & Planning Authority as part of its assessment of the planning application; and
- (d) Any other party, who the Tribunal may be able to assist in answering any question to be determined.

This last group may include somebody who made a written representation to the Development & Planning Authority when the planning application was advertised for consultation.

The decision about who may be called to give evidence rests with the Tribunal.

Structure for Appeal Hearings

Where an appeal is determined at a public hearing, the Tribunal will, in most cases, issue an agenda which sets out the issues which the Tribunal members have identified as requiring further inquiry through questions.

A Tribunal issues the agenda to the parties between five to seven working days before the hearing. It also makes copies of the agenda available at the hearing to anybody attending in person.

The hearing will take the form of a structured discussion led by the Tribunal members, including asking questions of the parties and any witnesses. There is no formal recital of the case by the parties as this should have all been included in their written submission.

The parties will have the opportunity to ask questions of each other and any witnesses. These questions must be asked through the presiding member of the Tribunal.

The Tribunal hearings are not recorded. The individual members of the Tribunal make their own notes of the proceedings and rely on these when reaching their decision and drafting their written Decision Notice. These notes are not available to any other parties.

Procedure for Site Visits

As part of the appeal process, the Tribunal will undertake an accompanied site visit to assist the members in understanding the physical context of the appeal site and proposed development and its setting which are part of the material considerations in the case.

As a general rule, the site visit will be confined to the appeal site and any neighbouring public areas of land. The Tribunal may request to visit a neighbouring property if it believes this would assist it in understanding the impact of the proposed development. In such cases, the land owner will have the right to decline the request. If the landowner is willing to allow the Tribunal members onto his/her property but refuses access to one of the principal parties, the Tribunal members will not be able to undertake this aspect of the site visit.

This site visit will generally take place at the end of the appeal hearing. It will involve the Tribunal members, representatives of the principal parties and any third parties the Tribunal may expressly invite. Other interested parties, neighbours and members of the public will not be permitted to attend the site visit. Similarly, canvassing and lobbying of Tribunal members or presentation of new material during site visits will not be permitted.

No photographs may be taken during the site visit without the express permission of the Tribunal.

In many cases, the Tribunal will have visited the appeal site and the surrounding area prior to the hearing. Depending of the issues raised in a particular case, more than one such site visit may take place. For example, where traffic issues have been raised as a concern, the Tribunal members may visit the appeal site at different times of the day or days of the week to gain a better understanding of traffic movements in the surrounding area.

Conduct at an Appeal Hearing

The appeal hearing is a judicial process and therefore the rules which apply in the Magistrate's and Royal Courts apply to the hearing.

Members of the public, neighbours and anybody interested in the appeal and representatives of the media may attend an appeal hearing. No photography or recording of the proceedings is allowed. Those attending the hearing, including representatives of the media, are not permitted to speak with the Tribunal members. Any questions or queries must be directed to the Panel's Secretary who will be in attendance throughout the proceedings.

Representatives of the media are asked to note that, interviews with the appellant or their representatives, or with any member of the public present, are not permitted within the room designated for the appeal hearing.

Mobile phones must be turned off or set to silent.

Those attending an appeal hearing are expected to behave appropriately and not to interrupt or otherwise disrupt the proceedings. Those attending the hearing are requested not to speak amongst themselves as this may prevent the Tribunal members or the parties from hearing questions or the answers to them.

Any person who behaves in a manner which is disruptive to the appeal hearing will be required to leave.

Appeal Decision

The Tribunal will not issue its decision on the day of the hearing. A formal written Decision Notice setting out the Tribunal's decision and its reasons will be issued to the parties following the hearing and this is generally issued within three weeks of the hearing.

A copy of the written decision will be sent to all those who made a written representation when the planning application was under consideration by the Authority. The Decision Notice is also published on the notice boards at Sir Charles Frossard House and the Royal Court.