

Appeal in relation to Building Regulations

The Land Planning and Development (Guernsey) Law, 2005
The Land Planning and Development (Appeals) Ordinance, 2007
The Building (Guernsey) Regulations, 2012

**PLEASE NOTE THE APPEAL PERIOD IS 28 DAYS FROM THE DATE
OF NOTIFICATION OF THE DECISION BY THE DEVELOPMENT &
PLANNING AUTHORITY**

Please complete in **black ink** using **block capitals**

A APPELLANTS' DETAILS

Names: _____
Address: _____
_____ Postcode: _____
Contact
Tel: _____ Email: _____

B AGENT'S DETAILS (*if applicable*)

Contact name: _____ Agent's reference: _____
Company: _____
Address: _____
_____ Postcode: _____
Contact
Tel: _____ Email: _____

C APPLICATION DETAILS

Application reference: _____ Property reference: _____

Description of works as set out in application: _____

Application site address: (if different from section A) _____

Application site ownership*: (if different from section A) Name: _____

Address: _____

_____ Postcode: _____

* Please use a separate sheet for multiple ownership

D RELATED APPLICATIONS (For more than one related application please provide details on a separate sheet)

Application reference: _____

Date of validation: _____

Description of application: _____

Application site address: (if different from section A) _____

Planning Decision: (if appropriate) _____ Date: _____

E RELATED APPEALS (For more than one related Appeal please provide details on a separate sheet)

Case number: _____

Date of registration: _____

Application site address: (if different from section A) _____

F BASIS OF THIS APPEAL

The basis of this Appeal is made under:

PLEASE TICK ALL GROUNDS WHICH YOU WISH TO RELY ON

Section 10(1), that having granted planning permission, the Authority, when approving plans, has imposed a further requirement for the purpose of securing compliance with building regulations and the appeal is made on grounds that:

(a) The further requirement is not reasonably necessary for the purpose

(b) The requirement of the building regulations in question does not apply to the operation

Section 10(2), that pursuant to the building regulations, the Authority:

(a) The rejection of the full plans were not defective and the proposed works would not contravene the building regulations

(b) The modifications or conditions attached to the approval of full plans were not reasonably necessary to ensure that

(i) The plans were not defective

(ii) The proposed works or use to which the building is to be put would not contravene the building regulations

(c) Having given notice that licence to execute proposed works is no longer valid, the licence relates to building works which:

(i) Had ceased for a period of more than one year

(ii) Had recommenced before the notice was issued

Section 10(3), that pursuant to the building regulations and in relation to works including of consisting of controlled work, the Authority:

(a) Having rejected plans or fixed, or refused to extend, a period on the expiration of which a building or part of a building must be removed, then –
(i) where such decision is made in relation to the rejection or approval of plans, the person by whom or on whose behalf the plans were deposited, or
(ii) where such decision is made other than in relation to a rejection or approval of plans, the owner of the relevant building,
appeals on the ground that:

- the work cannot reasonably be regarded as controlled work; or
- The period fixed for the removal of the building, or part of it, is unreasonably short;

(b) Having imposed or varied conditions with respect to the use of a building or part of a building or with respect to the controlled work –

(i) where such conditions are imposed in approving plans, the person by whom or on whose behalf the plans were deposited, or
(ii) where such conditions are imposed other than on an approval of plans, the owner of the relevant building,
appeals on the ground that:

- The work cannot reasonably be regarded as controlled work; or
- The condition imposed cannot reasonably be regarded as appropriate;

Section 10(4), that the Authority having given notice requiring a person who has carried out building work to cut into, lay open or pull down building work for the purpose of ascertaining whether or not the building regulations have been contravened, the person on whom the notice was served may appeal to an Adjudicator on the ground that such action is:

- Not reasonably necessary for that purpose; or
- Is disproportionate.

G APPEAL PROCEDURE*

Please tick your preference:

I/We wish the case to be determined by a Written Representation
(i.e. the appeal will be considered on the basis of the written submissions without the need for a public Hearing)

I/We wish the case to be determined by a Public Hearing

H CHECKLIST OF DOCUMENTS ENCLOSED

(Please tick the relevant box)

One copy of:

The application for a Building Licence that is the subject of this Appeal

A copy of the Authority's decision notice

All plans, drawings and documents submitted to the Development & Planning Authority in support of the application

All relevant correspondence with the Development & Planning Authority relating to the Building Control Licence application

All documents and correspondence included in section D

All documents and correspondence included in section E

