

**Annual  
Report**

**2011**

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



# INDEX

1	Chairman’s Introduction	5
2	Planning Panel Membership	7
3	Staff Changes	8
4	Operating Costs	8
5	Appeal Fees	9
6	Casework	10
7	Case Appraisal	10
8	Case Administration	11
9	Update on Issues raised in the Panel’s 2010 Annual Report	13
	(a) Third Party Representations	13
	(b) Length of Appeal Period	14
10	Matters arising from Appeals determined in 2011	14
	(a) Small-scale Domestic Cultivation on Agricultural Land	14
	(b) Interpretation of Section 69(1) of the 2005 Law	15
11	Developments for 2012	16
 <b>APPENDICES</b>		
Appendix 1	Synopsis of Appeal Cases for 2009, 2010 and 2011	18
Appendix 2	Analysis of Planning Policies engaged in Appeal Cases	37
Appendix 3	Planning Panel’s General Policies and Procedures	
	Determination on an Appeal by a Single Professional Member	42
	Determination on an Appeal by Written Representation by either a Single Professional Member or by a Full Tribunal	42
	General Procedure for Determining Compliance Notices and Confirmation of Tree Protection Order	43
	General Procedure for Site Visits	43
	General Procedure for Handling Post-Hearing Correspondence	44
	General Procedure for Determining Linked Appeals against the Refusal of Planning Permission and against a Compliance Notice	44



## **1. Chairman's Introduction**

I am pleased to present the Planning Panel's second Annual Report. I believe that 2011 has been a period of consolidation and progress for the Panel. During 2011 its workload, in terms of the number of appeals registered did not increase significantly, but the complexity of issues identified by the appeals did increase.

During 2011, the Panel also sought to consolidate its working relationships with the Policy Council, the Environment Department, and a range of professionals in private practice representing appellants whilst at all times striving to demonstrate its independence and impartiality. I am appreciative of the continuing support the Panel receives from the Policy Council to ensure that it is able to maintain its independence and also discharge its duties in a timely and cost efficient manner.

The Panel is also grateful for the feedback it has received from the Environment Department's planning officers and appellants and their representatives. This feedback has proved invaluable in the preparation of its revised Guidance Notes for appellants. These revised Guidance Notes were published in early 2012.

Since it was established, the Panel has been eager to ensure that its policies, procedures and practices have remained transparent, fair, unbiased and accessible. To this end, during 2011 the Panel published a synopsis of all its appeal decisions since it commenced hearing appeals in late 2009. This document is updated on a quarterly basis and has been well received by the Environment Department, and professionals acting for clients both in respect of making and appealing against planning decisions.

In early 2011, the Panel recognised that with just two professional and four ordinary members it was vulnerable should either the number of appeals increase significantly or one or more members be unavailable for a prolonged period through illness or resignation from the Panel.

The Panel raised its concerns with the Policy Council in March 2011 and whilst these discussions were being progressed one of the Panel's two professional members resigned for personal reasons. This resignation placed a significant burden on the remaining professional member, Mr. Fell. Thanks to the commitment of Mr. Fell and the support provided to him by the other Panel members, the Panel was able to continue its work without undue delay until it was possible to obtain the approval of the States for my appointment as a professional member and also the appointment of a replacement lay member.

In this second Annual Report I have sought to provide an overview of the Panel's work in 2011, including an analysis of the casework, which in turn demonstrates recurring issues and themes.

The last year has been one of considerable progress. The Panel has increased modestly in size to enable it to continue to deal expeditiously with increasing commitments. It has also striven to establish itself as a wholly independent judicial body which is user friendly and provides an efficient and cost effective service to those aggrieved by planning decisions.

It is again my pleasure to record my gratitude to my fellow colleagues on the Panel who have so freely given of their time. In my last Report I wrote of their hard work, skill and dedication and that has been ever present during the last twelve months. I also wish to record the Panel's thanks to our incoming Secretary Ms. Elizabeth Dene. She seamlessly took over this role from Mrs. de Garis and has been of immeasurable assistance not just to the Panel but also to all who have had contact with it.

Patrick Russell  
Chairman  
Planning Panel

June 2012

## **2. Planning Panel Membership**

During 2011 there were a number of changes in the Panel's membership.

In June 2011, Mr. William Bowen, one of the Panel's two Professional Members and its Deputy Chairman, tendered his resignation for personal reasons. During his time with the Panel, Mr. Bowen showed limitless enthusiasm for its work and had great skill in putting unrepresented appellants at their ease when presenting their appeals.

Prior to Mr. Bowen's resignation, the Panel had asked the Policy Council to agree to the appointment of a third Professional Member. The Panel's request reflected a steady increase in the Panel's workload and a concern that if either of the two Professional Members was unable to sit for a protracted period the remaining Professional Member would undoubtedly find it difficult to hear all appeals expeditiously. The Panel was also concerned that should such a situation arise there would be no provision for dealing with conflicts of interest.

Following Mr. Bowen's resignation, the Policy Council, in close consultation with the Panel, commenced the recruitment of two new Professional Members.

In September 2011, the States approved the following appointments to ensure that the Panel continued to be able to hear appeals in a timely manner, namely to appoint:

- Mr. Patrick Russell, as a Professional Member on an interim basis
- Mr. Stuart Fell as the Panel's Deputy Chairman
- Miss Julia White as a replacement Ordinary Member.

In October 2011, five candidates, selected from over sixty applications (of which approximately half of the applicants had been employed as planning inspectors with the UK Planning Inspectorate, the Isle of Man Planning Commission or the Irish Planning Inspectorate, the An Bord Pleanála) were interviewed.

In January 2012, the States of Deliberation unanimously approved the appointment of Mrs. Linda Wride and Mr. Jonathan King as professional members of the Panel.

Mrs Wride is an experienced town planner and has been a member of the Royal Town Planning Institute since 1976. She has a Diploma in Town Planning from Oxford Brookes University. In March 2011 she took early retirement from the UK Planning Inspectorate, having worked as a Senior Planning Inspector for 9 years.

During her employment with the UK Planning Inspectorate, Mrs. Wride developed specialisms in design, historic buildings heritage (including Listed Buildings and Conservation Areas), the location of telecommunications masts and transmitters and advertisement controls. She was appointed as one of the UK Planning Inspectorate's "Design Champions". Mrs Wride was also involved in the training of other planning inspectors in her areas of specialism.

Prior to joining the Planning Inspectorate, Mrs. Wride was employed by Oxford City Council, including 12 years as Head of Planning Control and Conservation.

Mr. King is an experienced town planner and has been a member of the Royal Town Planning Institute since 1980. He gained a degree in Geography from Manchester University and a Diploma in Town Planning from the City of Birmingham Polytechnic. He joined the UK Planning Inspectorate in September 1996 and retired from full-time employment with the UK Planning Inspectorate in early 2012. Prior to joining the UK Planning Inspectorate, Mr. King worked for both the Nottingham and Staffordshire County Councils planning departments.

In addition to determining a wide range of planning appeal cases, Mr. King has undertaken several planning inquiries into development plans and has acted as a trainer for newly appointed Planning Inspectors.

The Panel firmly believes that Mrs. Wride's and Mr. King's knowledge and experience of planning appeals will strengthen the Panel and ensure it continues to provide a high level of service to all parties that appear before it.

### **3. Staff Changes**

In April 2011, Mrs. Joanne de Garis' term as the Panel's Secretary came to an end. Mrs. de Garis had been appointed as the Panel's Secretary shortly after the Land Planning and Development (Guernsey) Law, 2005 came into force in April 2009. During her time with the Panel, Mrs. de Garis undertook a huge amount of work behind the scenes to enable the Panel to discharge its duties, including putting in place the administrative system for managing appeal cases.

The Panel wishes to formally record its sincere appreciation to Mrs. de Garis for her hard work, commitment, support and advice to the Panel.

Mrs. de Garis was replaced by Ms. Elizabeth Dene. Ms. Dene is an experienced civil servant and is also an English Barrister (non-practising) and an Advocate of the Royal Court. Her appointment is on a half-time basis. Although employed by the States of Guernsey, when discharging her duties for the Panel Ms. Dene acts independently of the Policy Council or any States Department. Ms. Dene is based at Sir Charles Frossard House and, whilst appointed to the Panel on a part-time basis, is available daily during office hours to deal with any enquiries that arise.

### **4. Operating Costs**

The Panel is mindful that it must continue to strive to offer best value for money. The Panel's expenditure in 2011 is set out in Table 1.



The increase in payments to Panel members reflects that during 2011 (2010) the Panel sat on 55 (27) separate occasions to consider 53 (27) appeal cases, 14 (3) being appeals lodged in 2010 (2009) but heard in 2011 (2010). One 2011 appeal case exceptionally requiring a Planning Tribunal to sit on three separate occasions.

**Table 1 – Panel’s Expenditure and Income**

	<b>2009</b>	<b>2010</b>	<b>2011</b>
Interview costs, on-Island training and JSB Course	£26,410		
Recruitment of new Professional Members, including advertising and interview costs			£8,352
General administration and stationery	£960	£1,410	£1,038
Payments to Panel Members – including monthly retainers, attendance fees for preparing for and sitting on appeal hearings and drafting and reviewing Decision Notices	£16,700	£48,070	£50,867
Travel and accommodation costs for Panel members	£210	£1,870	£1,618
Operational costs (room hire for appeal hearings, etc)	£870	£4,050	£3,503
Staff salaries	£12,550	£31,150	£32,232
<b>Total Expenditure</b>	<b>£57,650</b>	<b>£86,350</b>	<b>£97,610</b>
<b>Income from Fees</b>	--	--	<b>£965<sup>1</sup></b>

## 5. Appeal Fees

On 1 September 2011, under the provisions of the Land Planning and Development (Fees and Miscellaneous Provisions) (Guernsey) Ordinance, 2011 an appeal fee became payable in respect of certain planning appeals. In the majority of cases, the fee payable is the same as the fee paid when the planning application which is the subject of the appeal was made.

Where an appellant indicates he is agreeable that his appeal to be determined by a Single Professional Member without a hearing or on the basis of written representations the fee payable will be discounted by 25%.

Prior to the introduction of appeal fees, the Panel issued guidance notes, including details of what may constitute exceptional circumstances when the appeal fee may be waived. The Panel published this guidance on its website and sent copies to the various legal, architectural and surveying practices on the Island.

The Panel has not noticed any marked change in the number of appeal cases it has received since an appeal fee has been payable.

<sup>1</sup> Appeals fees became payable with effect from 1 September 2011 (see Section 5 for further detail)

Between 1 September 2011 and 31 December 2011, eight appeals were registered with the Panel and in respect of four of these cases an appeal fee was payable. In total £965 was received in appeal fees. No applications for the appeal fee to be waived were received.

## 6. Casework

In 2011 (2010), the Panel received 43 (41) appeals. Table 2 provides a breakdown of the categories of appeals made and their disposal.

During 2011 only 5 appeals lodged during the year remained undetermined. This compared with 15 appeals in 2010. Of the 5 cases awaiting determination, two had been opened and adjourned pending further negotiations between the appellants and the Environment Department and one case was deferred at the request of the appellants for personal reasons.

**Table 2 - Breakdown of Appeal Cases by Outcome**

	Number of Appeals	Outcome				
		Allowed	Dismissed	Other		
				Withdrawn by Appellant	Conceded or Withdrawn by Department	Appeal out of time
Appeal against refusal of planning permission	29 (36)	7 (7)	14 (24)	4 (4)	1 (--)	1 (1)
Appeal against refusal of outline planning permission	2 (--)	1 (--)	1 (--)	--	--	--
Appeal against planning conditions	3(1)	2 (--)	1 (--)	--	--	-- (1)
Appeal against a Compliance Notice	8 (3)	1 (1)	3 (1)	--	3 (1)	1 (--)
Appeal against confirmation of a Tree Protection Order	1 (1)	-- (--)	-- (1)	--	--	--
<b>TOTAL</b>	<b>43<sup>2</sup> (41)</b>	<b>11 (9)</b>	<b>19 (25)</b>	<b>4 (4)</b>	<b>4 (1)</b>	<b>2 (--)</b>

## 7. Case Appraisal

In July 2011, the Panel published a synopsis of all its appeal decisions (see Appendix 1). This document, which is updated on a quarterly basis, includes brief details of the case, the issues identified at appeal, the planning policies involved and the Tribunal's decision. The synoptic document is available on the Panel's website ([www.gov.gg/planningpanel](http://www.gov.gg/planningpanel)).

<sup>2</sup> This figure includes the decisions for appeals lodged in 2011 but heard in January 2012

The Panel notes that the majority of appeals continue to relate to more minor domestic developments. During 2011, only 8 of the 28 cases determined by a Tribunal related to business or commercial premises compared with 5 in 2010.

The Panel has analysed which planning policies under the Urban Area and Rural Area Plans were scrutinised in the various appeal cases it has determined. In 2011 (2010), 21(28) of the appeals against the refusal of planning permission which proceeded to an adjudication by a Tribunal related to development within the Rural Area and 7<sup>3</sup> (6) cases related to developments in the Urban Area. A full breakdown of the planning policies is set out in Appendix 2.

Table 3 provides an overview of the principal subject matter of planning decisions which have been appealed. In many appeal cases more than one issue was raised and therefore the totals do not automatically equate to the number of the appeals detailed above.

**Table 3 – Subject matter of Appeals<sup>4</sup>**

		2011	2010
Change of Use	Horticultural to industrial	2	1
	Horticultural to residential	1	1
	Horticultural to recreational	1	4
	Industrial to retail	1	--
Creation of dormer windows		1	2
Creation of parking		5	8
Domestication of agricultural land		2	--
Small-scale domestic cultivation on agricultural land		3	--
Dower units		1	1
Extension of curtilage		--	1
Fencing	Type	3	3
	Height	3	--
New housing developments		2	2
Removal or lowering of roadside walls		6	13
Removal of earthbanks		--	3
Re-use of redundant buildings for other purposes		6	5
Sheds on agricultural or horticultural land		5	1
Signage		--	3

## 8. Case Administration

In its 2010 Annual Report, the Panel set out its policies and procedures regarding the determination of whether appeals should be heard in public before a Planning Tribunal rather

<sup>3</sup> In one case the appellants appealed 3 separate planning decisions relating to alternative schemes on the same site

<sup>4</sup> A single appeal case may have involved more than one of the subject areas listed.

than by means of Written Representations or before a Single Professional Member. During 2011 the Panel revised its general policies in respect of:

- Determining Compliance Notices and Confirmation of Tree Protection Order
- Site visits
- Handling post-hearing correspondence
- Determining linked appeals against the refusal of planning permission and against a Compliance Notice

For ease of reference these policies and procedures have been reproduced at Appendix 3.

The Panel has noted that most appellants' preferred mode of appeal is for a public hearing before a Planning Tribunal. Table 4 provides a breakdown of the mode of appeal, including cases where the Panel's Chairman has, having reviewed an appeal application, decided that the case should be determined by a different mode of appeal to that indicated by the appellant.

The Panel is mindful that the costs are significantly lower where an appeal is determined by a Written Representation or a Single Professional Member and that both these disposals are also generally quicker. However, whilst it will keep its policies under regular review, it does not believe that, at this time, there are any persuasive arguments for change or indeed for the Panel to direct certain types of appeal to determination by Written Representations rather than a Planning Tribunal.

**Table 4 – Mode of Appeal**

Mode of Appeal	Disposal as requested by Appellant		Actual disposal following review by Panel Chairman	
	Planning Decisions	Compliance Notices or Tree Protection Orders	Planning Decisions	Compliance Notices or Tree Protection Orders
Public Hearing before a Planning Tribunal	26	5	31	9
Public Hearing before a Single Professional Member	1	--	--	--
Written Representations determined by a Planning Tribunal	5	2	1	--
Written Representations determined by a Single Professional Member	--	2	--	--

The Panel is conscious that the appeal system is still relatively new and, therefore, many appellants may wish to have their appeal determined at a public hearing so that they can fully engage with the appeal process. The Panel believes that affording an appellant a public hearing before a Planning Tribunal when requested is an important part of maintaining public confidence in its judicial function.

Notwithstanding the above, the Panel will continue to promote the use of Written Representations and determination by a Single Professional Member in appropriate cases.

The Panel has noted that the majority of appellants choose to present their own case (see Table 5). Where appellants are represented only a few have engaged an Advocate, and others use their architect, surveyor or other planning professional who has been involved in the original planning application.

The Panel is encouraged that most appellants feel able to present their own case as this indicates that the appeal system is accessible and affordable regardless of means. During 2011 the Panel received some very positive feedback from a number of appellants regarding the appeal process.

**Table 5 – Breakdown of Representation<sup>5</sup>**

		2011	2010
Unrepresented		16	17
Unrepresented but assisted by a friend or family member		3	3
Represented	Architect	8	10
	Advocate	4	4
	Planning consultant	3	--
	Surveyor	2	--

## **9. Update on Issues raised in the Panel’s 2010 Annual Report**

In its 2010 Annual Report, the Panel commented on a number of aspects of the 2005 Law and its associated Ordinances and Regulations where, based on its experience derived from dealing with planning appeals, it believed consideration should be given to possible amendments to the legislation.

Following publication of the 2010 Annual Report, the Panel formally wrote to the Policy Council and the Environment Department about these matters. The Panel understands that these matters are currently under detailed consideration and that it is likely that a States Report will be published during 2012 proposing a number of amendments to the 2005 Law.

Without wishing to pre-empt the contents on any forthcoming States Report, this report sets out the Panel’s observations on some of the issues raised in its 2010 Annual Report.

### **(a) Third Party Representations**

In a number of appeals heard during 2011, the Panel noted the continued frustration of certain third parties because the 2005 Law does not permit anyone who has raised an objection when the planning application was being considered by the Environment

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<sup>5</sup> Numbers relate to appeals determined at a public hearing; in two cases the appellant was represented by an Advocate together with the architect

Department to address the Planning Tribunal. The Panel has also noted that, in many cases, this restriction serves to discourage third parties from attending the appeal hearing itself.

The Panel has no reason to believe that, based on the current number of appeal cases it receives, the appeals system would become protracted or more costly if this restriction was lifted. In the majority of cases only one or two, if any, written representations are received by the Department.

In 2011, only nine appeals made to the Panel included written representations from third parties opposing the development. Further, of these nine cases, only three had attracted more than two written objections and in no case were more than eight letters of objections received by the Department.

The Panel also noted that in a number of cases, particularly those which attracted multiple letters of objections, the objectors raised issues which were not material considerations to the planning application and so, by inference, were not material to the subsequent appeal.

The Panel's expectation is that if the 2005 Law was amended to allow a Planning Tribunal to take evidence from a third party, where a relevant written representation was made to the Department during the application process, this would make the appeal process more open.

#### **(b) Length of the Appeal Period**

During 2011, the Panel noted that in a number of cases appeals against the refusal of retrospective planning permission were submitted towards the end of the six month appeal period.

The Panel has noted that this trend is continuing and in most cases such "last minute" appeals involve a retrospective planning application. As a result, such appeals present greater difficulties for the Panel when considering the appeal since the unauthorised development may have been in place for up to a year by the time the appeal is heard, making it more difficult for the Panel to envisage the circumstances that prevailed at the time when the appealed decision was made.

The Panel recognises that the fee payable for retrospective applications is double the usual rate and that the same fee is applied to any appeal. It acknowledges that appeal fees have only been payable since September 2011 and that the financial requirements may reduce the number of such cases arising.

Following discussions with the Policy Council it has agreed to monitor the situation and to report back to the Policy Council if the difficulties continue.

## **10. Matters arising from Appeals determined in 2011**

### **(a) Small-scale Domestic Cultivation on Agricultural Land**

During 2011, several appeals determined by a Planning Tribunal involved agricultural land and, in particular, its use by the appellants to grow fruit and vegetables for their own use rather than on a commercial basis.

In determining these appeals the Tribunals noted under section 45A of the Land Planning and Development (Guernsey) Law, 2005 “agriculture” is defined as follows:

- (a) land used or, with the application of good husbandry, capable of being used, for –
  - (i) dairy farming,
  - (ii) production, rearing or maintenance of livestock, or
  - (iii) market gardening or the outdoor cultivation of flowers, bulbs or nursery stock,
- (b) land which is covered by a glasshouse, or
- (c) land which was covered by a glasshouse and falls within paragraph (a)

The Panel has noted that the definition in the Rural Area Plan is based on the definition for agriculture under the Island Development (Guernsey) Law, 1966() namely,

*Agricultural land* any land used, or with good husbandry, capable of being used for the purpose of any trade or business of dairy farming, the producing, rearing or maintenance of livestock, market gardening or the outdoor cultivation of flowers, bulbs or nursery stock and includes land which was, but no longer is, covered by a glasshouse if the land is capable of being used as aforesaid and land which is covered by a glasshouse but does not include land used as a garden other than a market garden.

In the Panel’s view, neither definition fully addresses the increasing popularity of small-scale domestic growing. This has presented difficulties when a Tribunal has been asked to balance the objectives of the Development Plans to protect Guernsey’s agricultural land against the needs of an appellant who required some facilities on site to store equipment, water, etc. especially where their growing site was either remote from their home or they did not have sufficient space at their home to store larger items of equipment such as rotovators.

### **(b) Interpretation of Section 69(1) of the 2005 Law**

Section 69(1) of the 2005 Law 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 –*

- (a) *in the case of an appeal under section 68(1), when it made the decision appealed against, or*
- (b) *in the case of an appeal under section 68(2), at the expiry of the period mentioned in that section."*

During 2011, Tribunals noted that in a number of appeal cases the appeal site and its immediate environs had changed significantly since the planning application was lodged. For example, in one case a greenhouse on the appeal site had been removed and the site's use had changed from a redundant horticultural site to a community allotment site. Neither of these changes required planning permission but were significant changes and would have been relevant matters had the planning decision been made at this later stage.

## **11. Developments for 2012**

### **Strategic Land Use Plan**

The Panel noted that in September 2012 the States of Deliberation approved the Strategic Land Use Plan which will form the basis for a forthcoming review of the Detailed Development Plans, i.e. the Urban Area Plan and Rural Area Plan.

The Panel acknowledges that it will have a major impact on how development control decisions are reached in the future. In particular, it notes that in drafting the Strategic Land Use Plan the process has recognised that demands regarding how land is used today are very different from the time when the strategic framework for the Urban and Rural Area Plans was drafted and thereby seeks to address the land use and land planning challenges and opportunities Guernsey will need to face over the next two decades.

The Panel also noted that the Strategic Land Use Plan is fundamentally different to its predecessor since it promotes more effective working practices and establishing policies that can facilitate improved corporate working to enable the States, in partnership with others, to better meet social, economic and environmental expectations. The Panel believes this will assist applicants to better understand the reasons why one application may be refused when another is approved.



# Appendices

## APPENDIX 1 - SYNOPSIS OF APPEAL CASES

Appeals against the refusal of planning decision or a grant of planning permission subject to conditions – 2009				
Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
001/2009	Transfer of Karningul, Braye Road, Vale from existing Register to Protected Buildings List			Withdrawn by Appellants
002/2009	Transfer of Eastwood, Mount Row, St Peter Port from existing Register to Protected Buildings List			Invalid
003/2009	Tree Protection Order at 33 Clos Raymond Leterrier, Pont Vaillant, Vale	<ul style="list-style-type: none"> <li>– Whether the tree has amenity value to justify Tree Protection Order (TPO)</li> <li>– Whether harm to property caused by protected tree sufficient to render TPO unreasonable</li> </ul>	<b>Rural Area Plan</b> BS 5837:2005 Trees in Relation to Construction	Appeal Dismissed
004/2009	Erect a fence at Tanderra, Les Petites Capelles, St Sampson			Withdrawn by Appellants
005/2009	Transfer of 2 Mount Durand, St Peter Port from existing Register to Protected Buildings List			Invalid
006/2009	Change of use of two dwellings to a single dwelling at Primrose Cottage, Havelet, St Peter Port (Retrospective)	<ul style="list-style-type: none"> <li>– Whether the accommodation in Primrose and Rose Cottages is substandard</li> <li>– Whether satisfactory living conditions could be achieved by means of upgrading to each property.</li> </ul>	<b>Rural Area Plan</b> RH4 – Protecting housing stock	Appeal Dismissed
007/2009	Create a dower unit at Mont Plaisant, Hougues Peres, Vale	<ul style="list-style-type: none"> <li>– Whether mass, scale and visual appearance of development on existing protected building</li> </ul>	<b>Rural Area Plan</b> RH5 – Dower units RGEN4 – Built heritage RCE11 – Building of special interest	Appeal Dismissed
008/2009	Extend outbuilding to create self contained residential unit at The Stable, Pleinmont House, Rue des Valniquets, Torteval	<ul style="list-style-type: none"> <li>– Whether the proposed development is contrary to the policies of the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RCE14 – Conservation and re-use of buildings	Appeal Allowed

## Appeals against the refusal of planning decision or a grant of planning permission subject to conditions – 2010

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
001/2010	Widen gateway to provide off-road parking at Dilkusha, Dalgairns Road, St Peter Port	– Whether vehicle access and parking has negative effect on the character of area	<b>Urban Area Plan</b> DBE1 – Design DBE7 – New development in conservation areas	Appeal Dismissed
002/2010	Remove a hedge and erect a wall at Aimee’s Cottage, Sandy Hook, St Sampson	– Whether the proposed wall and fence would be harmful to character and appearance of area	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN6 - Design RCE12 - Design and local distinctiveness	Appeal Dismissed
003/2010	Lop a protected tree at Primera, 33 Clos Raymond Leterrier, Pont Vaillant, Vale	– Whether the lopping of protection tree appropriate	BS 3998:1989 in respect of tree work	Appeal Dismissed
004/2010	Permit a camp site and motor home storage area and relocate greenhouse at Meadow View, Rue à Ronces, Castel	– Whether campsite for 16 pitches between March and October, and the storage of motor homes all year in accordance with the following policies of the Rural Area Plan	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN7 - Safe and convenient access RGEN11 - Effect on adjoining properties RS4 – Outdoor recreational facilities RCE1 – Agricultural development	Appeal Dismissed
005/2010	Demolish part of roadside wall to create vehicular access and parking at At Last, La Canurie Road, Vale	– Whether vehicular access and parking area has negative effect on the character and appearance area	<b>Rural Area Plan</b> RCE12 – Design and local distinctiveness RGEN8 – Parking and open space Annex 7 – Guidance on Parking Standards	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
006/2010	Non-determination of a Planning Application to erect a marquee on field situate at Rue des Marettes, St Martin on a temporary basis	<ul style="list-style-type: none"> <li>Whether the proposed development complies with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RGEN1 - Sustainable development RGEN5 – Character and amenity RGEN7 - Safe and convenient access RGEN8 - Parking and open space RGEN10 - Public Enjoyment RGEN11 - Effect on adjoining properties RCE1 - Protecting open land and avoiding unnecessary development RCE3 - Areas of high landscape quality RE9 - Commerce-related development RE13 - Visitor facilities and attraction	Appeal Dismissed
007/2010	Appeal conditions to erect boundary wall at Vevey, Rue des Marais, Vale	<ul style="list-style-type: none"> <li>Whether concrete block wall incompatible on agriculture land</li> <li>Whether condition requiring the lowering and rendering of wall justified in interests of visual amenity</li> <li>Whether granting permission could prejudice to future use</li> </ul>	<b>Rural Area Plan</b> RCE1 – Protecting open land and avoiding unnecessary development RCE6 - Design	Appeal Allowed
008/2010	Extend domestic curtilage at Ruishton, Rue des Houmet, Castel	<ul style="list-style-type: none"> <li>Whether the development causes an unacceptable harm to the character of the neighbouring countryside</li> </ul>	<b>Rural Area Plan</b> RCE3 - Areas of high landscape quality RCE6 - Design	Appeal Dismissed
009/2010	Remove earthbank and use fields for recreation at Sylvans Sports Club, St Saviour/St Pierre du Bois	<ul style="list-style-type: none"> <li>Whether development conflicts with Rural Area Plan</li> <li>Whether the removal of the earthbank conflicts with Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RCE3 - Areas of high landscape quality RS4 – Outdoor recreational facilities	Appeal Allowed
010/2010	Erect signs at Waves Apart-Hotel, Vazon, Castel	<ul style="list-style-type: none"> <li>Whether signs at the entrance cause unacceptable harm to the visual quality and character of the surrounding open land,</li> </ul>	<b>Rural Area Plan</b> RCE1 – Protecting open land and avoid unnecessary development RCE3 - Areas of high landscape quality RE11 – Visitor accommodation development	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
011/2010	Alter car parking area at Slater's Bridge, Mont Arrivé, St Peter Port	<ul style="list-style-type: none"> <li>- Whether the character and amenity of area by effected the development</li> <li>- Whether contrary to Urban Area Plan</li> </ul>	<b>Urban Area Plan</b> GEN5 – Design GEN6 – Character and amenity DBE1 - Design	Appeal Dismissed
012/2010	Remove hedge and extend existing balcony at White Horses, Fort George, St Peter Port	<ul style="list-style-type: none"> <li>- Whether the removal of the hedge and the extension of the balcony cause unacceptable harm to the character and visual amenity of the surroundings</li> <li>- Whether the extended balcony prejudices amenity enjoyed by the occupants of neighbouring houses</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN6 - Design RGEN11 - Buildings of special interest RCE12 – Design and local distinctiveness	Appeal Dismissed
013/2010	Erect event marquee and use of field for parking 4 July – 19 Sept 2009 at Jerbourg, St Martin	<ul style="list-style-type: none"> <li>- Whether the development complies with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RGEN1 - Sustainable development RGEN5 – Character and amenity RGEN7 - Safe and convenient access RGEN8 - Parking and open space RGEN10 - Public Enjoyment RGEN11 - Effect on adjoining properties RCE1 - Protecting open land and avoiding unnecessary development RCE3 - Areas of high landscape quality RE9 - Commerce-related development RE13 - Visitor facilities and attraction	Appeal Dismissed
014/2010	Erect sign at Guernsey Conservatories, La Ville Baudu, Vale	<ul style="list-style-type: none"> <li>- Whether the sign causes unacceptable harm to the amenity of the surroundings</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity	Appeal Allowed
015/2010	Alter outbuilding and convert to separate residential unit and erect fencing at Le Pont Morinel, Mont d'Aval, Castel	<ul style="list-style-type: none"> <li>- Whether the conversion to form a self-contained dwelling serves the primary objective of the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RCE14 – Conservation and re-use of buildings RH1 – New housing	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
016/2010	Erect boundary fencing at Cote es Ouets, Les Rouvets, Vale	<ul style="list-style-type: none"> <li>Whether the fence complies with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RGEN3 - Areas of high landscape quality RGEN5 – Character and amenity RGEN11 - Effects on adjoining properties RCE10 - Conservation Areas	Appeal Dismissed
018/2010	Alter vehicle access and height of roadside wall at Brighthelmston, La Mazotte, Vale	<ul style="list-style-type: none"> <li>Whether the new access would, harm to the character or appearance of the locality</li> <li>Whether road safety benefits outweigh any harm to the character or appearance of the locality</li> </ul>	<b>Rural Area Plan</b> RCE12 – Design and local distinctiveness RCE13 – Demotion of buildings and features	Appeal Allowed
019/2010	Change of use of packing shed to general storage at Merton Vinery, Rue des Pointes, St Andrew (Retrospective)			Withdrawn by Appellants
020/2010	Erect illuminated sign at Fusion Nightclub, Lower Pollet, St Peter Port (Retrospective)			Dismissed Out of Time
021/2010	Demolish section of roadside wall railings, create vehicular access and parking area at St Honorine, Candie Road, St Peter Port	<ul style="list-style-type: none"> <li>Whether the vehicular access and parking have a negative effect on the character area and on a protected building</li> </ul>	<b>Urban Area Plan</b> GEN8 – Safe and convenient access DBE1 - Design DBE7 – new development in conservation area DBE8 – Buildings of special interest	Appeal Dismissed
022/2010	Alter vehicular access, install turntable, create additional parking spaces and install disabled lift at Mont Altier, Cordier Hill, St Peter Port	<ul style="list-style-type: none"> <li>Whether modifications to approved scheme preserve or enhance the character of a conservation area</li> <li>Whether proposed scheme would harm the appearance of surrounding area</li> </ul>	<b>Urban Area Plan</b> DBE1 - Design DBE7 – new development in conservation area British Standard 5837 - Tree Protection Measures	Appeal Dismissed
023/2010	Erect a conservatory (first floor rear) at Brookleigh, Queen’s Road, St Peter Port			Withdrawn by Appellants

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
024/2010	Erect sheds at Les Loriers, Rue de Rougeval, Torteval	<ul style="list-style-type: none"> <li>- Whether the sheds have a significant adverse effect on the visual quality or landscape character of the area</li> <li>- Whether the sheds make a positive contribution to the visual quality, landscape character and environmental value of the area</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RCE1 – Protecting open land and avoid unnecessary development RCE3 – Areas of high landscape quality RCE6 – Creation or extension of curtilages	Appeal Dismissed
025/2010	Construct new vehicular access & parking area at Pres la Cour, Le Courtillet, St Martin	<ul style="list-style-type: none"> <li>- Whether proposed new access and parking area has a negative effect on the character and amenity</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN7 – Safe and convenient access RGEN8 – Parking and open space RCE12 – Design and local distinctiveness	Appeal Dismissed
026/2010	Erect first floor extension on existing outbuilding at Les Niaux Farm, Les Niaux, Castel	<ul style="list-style-type: none"> <li>- Whether the development can properly be regarded as a conversion</li> <li>- Whether it fulfils the characteristics of a dower unit</li> <li>- Whether the development would harm the visual quality and landscape character of its rural surroundings</li> </ul>	<b>Rural Area Plan</b> RH1 – New housing RH5 – Dower units RCE3 – Areas of high landscape quality RCE14 – Conservation and re-use of buildings	Appeal Dismissed
027/2010	Vary approved plans to install two sets of double doors at third floor level at rear of Dawn Cottage, 10A The Strand, St Peter Port	<ul style="list-style-type: none"> <li>- Whether alterations would serve to preserve or enhance the character and appearance of the urban surroundings, which form part of an historic quarter of St Peter Port</li> </ul>	<b>Urban Area Plan</b> DBE1 - Design DBE7 – New development in conservation area	Appeal Dismissed
028/2010	Erect a petrol filling station at GT Cars site, Les Bas Courtils Road, St Sampson			Withdrawn by Appellants

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
031/2010	Demolish existing garage/store and erect new garage/store at La Verniaz, Rue de la Lague, Torteval	<ul style="list-style-type: none"> <li>- Whether development conflicts with the Rural Area Plan</li> <li>- Whether the proposed new garage/store conflicts</li> <li>- Whether the proposed new garage/store complies with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RCE3 – Areas of high landscape quality RGEN5 – Character and amenity RCE10 – Conservation areas RCE13 – Demotion of building and features	Appeal Allowed
032/2010	Extend and convert existing outbuilding to a dwelling and install post and rail fencing Sunnysdene, Route de la Murette, St Saviour	<ul style="list-style-type: none"> <li>- Whether the conversion of outbuildings would cause material harm to character of the surroundings,</li> </ul>	<b>Rural Area Plan</b> RCE14 – Conservation and re-use of buildings RH1 – New housing	Appeal Dismissed
033/2010	Demolish roadside wall to enlarge vehicle access and replace existing rooflight at rear with dormer window at Airlie Cottage, La Route du Bray, Vale	<ul style="list-style-type: none"> <li>- Whether roadside wall can be regarded as a distinctive feature of some interest or importance which should be preserved</li> <li>- Whether demolition impacts on character of area</li> </ul>	<b>Rural Area Plan</b> RCE13 – Demotion of buildings and features	Appeal Allowed
034/2010	Appeal against condition permitting widening access by 20cm and not 70cm as per application at Feldspar, Grandes Maison Road, St Sampson	<ul style="list-style-type: none"> <li>- Whether widening entrance by 0.7m would preserve or enhance the character and appearance of the surroundings</li> <li>- Whether the development would harm the special character, features or setting of protected building</li> </ul>	<b>Urban Area Plan</b> DBE1 - Design DBE7 – New development in conservation area DBE8 – Buildings of special interest DBE9 – Demolition of buildings and features	Appeal Allowed
035/2010	Appeal conditions to remove hedge and erect fence at Budleigh, Rue Cauchez, St Martin			Struck out
036/2010	Lop five sycamore trees at Woodvale, Damouettes Lane, St Peter Port			Withdrawn by Appellants



Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
<b>037/2010</b>	Erect sun lounge on west elevation at The Moorings, Rue Batée, Vale	<ul style="list-style-type: none"> <li>– Whether sun lounge, by virtue of its position, bulk and appearance, would cause unacceptable harm to the amenity of the surroundings</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RH6 – Extensions and alterations to dwellings	Appeal Allowed
<b>038/2010</b>	Erect fencing along the roadside boundary at Vue de L’Eglise, Rue du Belle, Torteval	<ul style="list-style-type: none"> <li>– Whether the fence serves to preserve or enhance the character and appearance area</li> <li>– Whether the fence has a significant adverse effect on the visual quality and landscape character of the surroundings</li> </ul>	<b>Rural Area Plan</b> RCE3 – Areas of high landscape quality RCE10 – Conservation areas	Appeal Dismissed
<b>039/2010</b>	Erect sign at Grandes Rocques Bar and Bistro, Rue de la Saline, Cobo, Castel	<ul style="list-style-type: none"> <li>– Whether the signs cause unacceptable harm to the appearance of the building or the surroundings</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RCE12 – Design and local distinctiveness	Appeal Dismissed
<b>040/2010</b>	Remove earthbank in driveway at Le Nid, Hougue du Pommier, Castel (Retrospective)	<ul style="list-style-type: none"> <li>– Whether the removal of the earthbank would comply with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RCE13 – Demolition of buildings and features RH6 – Extensions and alterations to dwellings	Appeal Dismissed
<b>041/2010</b>	Widen vehicular access at Le Nid, Hougue du Pommier, Castel	<ul style="list-style-type: none"> <li>– Whether the widening of the vehicular access would enhance the Island’s built heritage</li> <li>– Whether it would detract from the character and appearance of the area</li> </ul>	<b>Rural Area Plan</b> RGEN4 – Built heritage RCE13 – Demotion of buildings and features RH6 – Extensions and alterations of dwellings	Appeal Dismissed
<b>042/2010</b>	Erect fence at roadside and east boundaries and erect temporary shed at Les Serres du Verger, Grand Douit Lane, St Sampson	<ul style="list-style-type: none"> <li>– Whether fence and shed comply with the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RGEN3 – Landscape, ecology and wildlife RGEN4 – Built heritage RCE1 – Protecting open land and avoiding unnecessary development RCE2 – Landscape character RCE6 – Creation and extension of curtilages RH6 – Extensions and alterations of dwellings	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
043/2010	Use of horticultural land as builders' yard at La Canurie Vinery, La Canurie Road, Vale	– Whether continued use of part of site as a builders yard serves to conserve and enhance the character and appearance of the rural environment	<b>Rural Area Plan</b> RCE5 – Derelict land in the countryside RE7 – Industrial development	Appeal Dismissed
046/2010	Demolish existing dwelling and erect new dwelling, erect stables, extend domestic curtilage, erect fencing and construct earth bank at The Hawthorns, Rue du Manoir, Forest			Withdrawn by Appellants

Appeals against the refusal of planning decision or a grant of planning permission subject to conditions – 2011				
Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
001/2011	Extend and alter dwelling to side (south elevation) and install roof lights at The Farmhouse, La Mazotte, Vale			Withdrawn by Appellants
002/2011	Erect post and Rail fencing, construct a shed and install timber steps at Pulco, Rue de la Saline, Cobo, Castel (Retrospective)			Withdrawn by Appellants
003/2011	Reduce height of section of roadside wall at entrance (west) to Oakleigh Vinery, La Douit Lane, Vale	– Whether improved visibility overrides harm caused by the removal of part of the stone granite wall, to the character of the area	<b>Rural Area Plan</b> RGEN4 – Built heritage RGEN7 – Safe and convenient access RCE13 – Demolition of buildings and features	Appeal Dismissed
004/2011	Change of use of part of building to gift shop at Griffin's Grotto, La Hougue Bachelet, St. Saviour	– Whether the retail use harms vitality and viability of the existing Rural Centres – Whether the retail use would fail to safeguard stock of existing industrial units in the rural area	<b>Rural Area Plan</b> RE4 – Retail development RE8 – Protecting industrial accommodation	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
<b>006, 007 and 008/2011</b>	Excavate steps and relocate gate pillar to create parking area at Somerset House, Collings Road, St. Peter Port	<ul style="list-style-type: none"> <li>- Whether the proposed parking space would have an unacceptably harmful effect on highway safety and the free flow of traffic on a Traffic Priority Route</li> <li>- Whether widening opening in front wall would cause unacceptable harm to the character of the surrounding area</li> </ul>	<b>Urban Area Plan</b> GEN6 – Character and amenity DBE1 - Design DBE9 – Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Dismissed
<b>009/2011</b>	Demolish roadside wall to create vehicular access at 13 Les Camps Terrace, Les Camps, St Martin's	<ul style="list-style-type: none"> <li>- Whether the development conserves and enhances the special character and appearance of the area</li> <li>- Whether the removal of an additional 1.7m of wall would prejudice the character of the area</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RCE10 – Conservation areas	Appeal Allowed
<b>010/2011</b>	Erect an agricultural store at field at Vue de l'Eglise, Forest	<ul style="list-style-type: none"> <li>- Whether the erection of the store represents an unacceptable form of development that is contrary to the relevant objectives and policy provisions of the adopted Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RCE1 – Protecting open land and avoid unnecessary development RCE3 – Areas of High Landscape Quality RE1 – Agricultural development RE2 – Horticultural development	Appeal Allowed
<b>011/2011</b>	Install recessed dormer window on fifth level at 22 Cornet Street, St Peter Port	<ul style="list-style-type: none"> <li>- Whether the proposed dormer would preserve or enhance the character of the surrounding Conservation Area</li> <li>- Whether the dormer would appear intrusive or discordant in the wider street scene</li> </ul>	<b>Urban Area Plan</b> GEN6 – Character and amenity DBE1 - Design DBE7 – New development in conservation area	Appeal Dismissed
<b>013/2011</b>	Erect shed at Haute Landes Vinery, Les Abreuveurs, Vale	<ul style="list-style-type: none"> <li>- Whether the appeal building and the use for which it was intended conflict with the policy provisions identified by the Department in its refusal of the application</li> <li>- Whether the development runs contrary to other relevant policies of the Plan</li> </ul>	<b>Rural Area Plan</b> RCE1 – Protecting open land and avoid unnecessary development RCE3 – Areas of High Landscape Quality RE1 – Agricultural development RE2 – Horticultural development	Appeal Allowed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
014/2011	Alter car parking and vehicle access and lower roadside wall at Wavertree, Grand Bouet, St Peter Port			Withdrawn by Appellants
015/2011	Remove section of roadside wall to create new vehicle access and parking area at Les Martins, Les Martins, St Sampson	<ul style="list-style-type: none"> <li>- Whether the proposed vehicular access would have an unacceptably detrimental effect on highway safety</li> <li>- Whether the formation of new openings in the roadside boundary wall would cause harm to the character and amenity of the local environment</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN7 – Safe and convenient access RCE13 – Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Dismissed
016/2011	Install garage doors and windows at Les Martins, Les Martins, St Sampson	<ul style="list-style-type: none"> <li>- Whether installing garage doors and new window opening to the existing façade would cause harm to the character of the property</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RCE13 – Demolition of buildings and features	Appeal Allowed
017/2011	Extend and convert existing garage to dower until with first floor accommodation with link to main house at Highview, Rue de Haut, Vale	<ul style="list-style-type: none"> <li>- Whether the proposed extension can reasonably be regarded as accommodation that is subservient to the existing dwelling, i.e. a dower unit</li> <li>- Whether the proposed dower would be appropriate, given its proximity to the neighbouring property</li> </ul>	<b>Rural Area Plan</b> RH1 – New housing RH5 – Dower units RH6 – Extensions and alterations to dwellings RCE3 – Areas of high landscape quality RCE14 – Conservation and re-use of buildings RGEN11 - Effect on adjoining properties	Appeal Dismissed
018/2011	Erect a sign on an existing signpost and another on a wall			Dismissed Out of Time
019/2011	Erect 3 detached houses on a field at Greenways, Belgrave Lane, St. Sampson	<ul style="list-style-type: none"> <li>- Whether the access route is capable of providing safe and convenient access to the appeal site</li> </ul>	<b>Urban Area Plan</b> HO8 – Housing Target Areas GEN7 – Roads and infrastructure GEN8 – Safe and convenient design Outline Planning Brief for Belgrave Vinery Traffic Engineering Guidelines for Guernsey	Appeal Allowed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
025/2011	Alter and convert a packing shed to pigeon loft, erect pigeon loft, traps and aviary on agricultural land at Epinelle Road, St Sampson	<ul style="list-style-type: none"> <li>– Whether the development causes unacceptable harm to the rural surroundings</li> </ul>	<b>Rural Area Plan</b> RGEN11 - Effect on adjoining properties RCE1 – Protecting open land and avoiding unnecessary development RCE3 – Areas of high landscape quality RCE14 – Conservation and re-use of buildings	Appeal Dismissed
026/2011	Outline planning permission to demolition existing garage and erect house and garage at Les Godaines, Godaines Avenue, St. Peter Port	<ul style="list-style-type: none"> <li>– Whether a policy gateway exists allowing development on the appeal site</li> <li>– Whether the site can be regarded as an open space making a beneficial contribution to its surroundings</li> <li>– Whether the development would cause unacceptable detriment to its open quality</li> <li>– Whether by virtue of scale, mass and design the dwelling would have an adverse impact on the character of the surroundings</li> </ul>	<b>Urban Area Plan</b> HO2 – New housing in Settlement Areas and on previously developed land GEN5 - Design GEN6 – Character and amenity DBE1 – Design – general CO1 – New development outside Settlement Areas	Appeal Dismissed
027/2011	Resurface existing hardcore drive with tarmac at Bon Enfant Vinery, La Rochelle Road, Vale			Conceded by Environment Department
028/2011	Extend storage shed at Les Huriaux Farm, Les Huriaux, St. Martin	<ul style="list-style-type: none"> <li>– Whether the development is unacceptable within an Area of High Landscape Quality, bearing in mind the relevant policy provisions of the Adopted Rural Area Plan and the planning history of the site</li> </ul>	<b>Rural Area Plan</b> RE7 – Industrial development RCE1 – Protecting open land and avoiding unnecessary development RCE3 – Areas of high landscape quality RCE6 – Creation or extension of curtilages	Appeal Allowed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
029/2011	Vary the height of a previously approved decking area outside L'Atlantique Hotel, Route de la Perelle, St. Saviour	<ul style="list-style-type: none"> <li>Whether the retention of the decking in its present form would cause unacceptable harm to the character and amenity of the surroundings</li> <li>Whether its retention would result in unacceptable harm to the amenity of the adjacent residential property to the west</li> </ul>	<b>Rural Area Plan</b> RGEN1 – Sustainable development RGEN5 – Character and amenity RE11 – Visitor accommodation development	Appeal Dismissed
031/2011	Remove a section of roadside wall and dividing wall to create vehicle access and parking areas at St. Michael's Cottages, Nocq Road, St. Sampson	<ul style="list-style-type: none"> <li>Whether the proposed removal of the granite wall would, by virtue of the loss of distinctive features, cause harm to the character or appearance of the area</li> <li>Whether the benefits to road safety outweigh any harm to the character or appearance of the locality</li> </ul>	<b>Urban Area Plan</b> GEN6 – Character and amenity GEN8 – Safe and convenient access GEN9 – Open space and parking GEN12 – Effect on adjoining properties DBE1 – Design - general DBE9 – Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Dismissed
032/2011	To remove condition 4 of planning permission which required the existing fence (a new fence which was a direct replacement for a pre-existing one) along the southern boundary at Trelawney, Upper St. Jacques, St. Peter Port to be reduced in height from 1m to 0.5m	<ul style="list-style-type: none"> <li>Whether the erection of this new replacement fence amounts to “development” within the meaning of s. 13 of the 2005 Law</li> <li>Whether the replacement fence is in conflict with the intentions of Policies</li> </ul>	<b>Urban Area Plan</b> GEN5 - Design GEN6 – Character and amenity DBE1 – Design – general	Appeal Allowed
033/2011	Replace a fence at Icart House, Icart, St. Martin	<ul style="list-style-type: none"> <li>Whether the replacement of the existing fence would cause unacceptable harm to the surroundings</li> </ul>	<b>Rural Area Plan</b> RCE2 – Landscape character RH6 – Extensions and alterations to dwellings	Appeal Allowed
034/2011	Remove a section of roadside wall and dividing hedge to create vehicle access and parking area at 5 Daytona Cottages, Rue de Galaad, Castel			Withdrawn by Appellants

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
035/2011	Vary previously approved works to demolish an existing dwelling and erect a new dwelling, namely the rescinding of condition requiring closure of an existing south-western access to the main dwelling, Nirvana, at Ship's Bell Cottage, Portinifer Road, Vale	<ul style="list-style-type: none"> <li>- Whether the condition is reasonable and justifiable</li> <li>- Whether there is any benefit in retaining a second access sufficient to override the presumption to resist a further access onto a Traffic Priority Route</li> <li>- Whether the condition is reasonable and justified on road safety and traffic management grounds</li> </ul>	<b>Rural Area Plan</b> RGEN7 – Safe and convenient access Traffic Engineering Guidelines for Guernsey	Appeal Allowed
036/2011	Change of use of horticultural building to carpenter's workshop and store at Ridgeway Vinery, Rue des Pointes, St. Andrew	<ul style="list-style-type: none"> <li>- Whether the intended use of the building is, given the policies in the adopted Rural Area Plan to regulate the creation of new industrial establishments and protect key horticultural sites</li> </ul>	<b>Rural Area Plan</b> RCE14 – Conversion and re-use of buildings RE7 – Industrial development Strategic Horticultural Sites	Appeal Allowed
037/2011	Install 2m high closed boarded timber gates at 65 and 66 La Corniche, Fort George, St. Peter Port	<ul style="list-style-type: none"> <li>- Whether the proposed development would have a significant adverse effect on the visual quality or landscape character of the area</li> <li>- Whether in respect of quality of design and the materials to be used in the development it is contrary to Policy RGEN 6.</li> <li>- Whether a precedent has been set by the Department in allowing gates similar to those proposed to be installed at a nearby property, such that it should be followed in the instant case</li> <li>- Whether the Department has acted with inconsistency.</li> </ul>	<b>Rural Area Plan</b> RGEN5 – Character and amenity RGEN6 – Design RCE3 – Areas of high landscape quality	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
038/2011	Raise the ground level of a field at La Vallette, Rue des Longs Camps, St. Saviour to improve drainage	<ul style="list-style-type: none"> <li>- Whether the raising of the level of the field by the amount specified would harm the visual quality and landscape character of the countryside surroundings</li> <li>- Whether this work would harm the quality of the land in agricultural terms</li> </ul>	<b>Rural Area Plan</b> RGEN1 – Sustainable development RCE2 – Landscape character RCE3 – Areas of high landscape quality	Appeal Dismissed
041/2011	Demolish existing buildings and convert an existing packing shed to a dwelling at Kintyre Vinery, Hougues Magues Lane, St. Sampson	<ul style="list-style-type: none"> <li>- Whether the development would have an unacceptably harmful effect on the rural environment, the conservation and enhancement of which is the primary objective of the Rural Area Plan</li> </ul>	<b>Rural Area Plan</b> RH1 – New housing RCE14 – Conversion and re-use of buildings	Appeal Dismissed
042/2011	Vary conditions relating to setting of a pond at Soucique, Route de la Charruée, Castel	<ul style="list-style-type: none"> <li>- Whether the appeal site is agricultural land</li> <li>- Whether the development results in the unacceptable loss of open and undeveloped land and detracts from the openness of the countryside or would result in unacceptable irreversible loss of agricultural land</li> <li>- Whether the development results in the creation or extension of the domestic curtilage of the property</li> </ul>	<b>Rural Area Plan</b> RCE1 – Protecting open land and avoiding unnecessary development RCE6 – Creation or extension of curtilages	Appeal allowed only to the extent that Condition 4 was varied



2010 Compliance Notice Appeals				
<b>017/2010</b>	Compliance Notice issued for parking and use of storage container at Oatlands Vinery, St Sampson		Compliance Notice Withdrawn by Environment Department	
<b>044/2010</b>	Compliance Notice issued for use of horticultural land as builders' yard La Canurie Vinery, La Canurie Road, Vale	<ul style="list-style-type: none"> <li>- Whether the timescale prescribed for the clearance of the site too short, particularly as permanent solution to accommodation needs now seemed possible</li> <li>- Whether the issue of the Notice is in any other way unreasonable or ultra vires</li> </ul>	<i>Requirements attached to Compliance Notice:</i> <ol style="list-style-type: none"> <li>1. The land to be cleared of all builders' materials, plant and equipment</li> <li>2. All rubbish and any other non-horticultural/agricultural items to be removed</li> <li>3. The areas of hard-standing to be removed</li> <li>4. Non-horticultural/agricultural use to cease.</li> </ol>	<p style="text-align: center;">Appeal Allowed</p> <p style="text-align: center;">Compliance Notice amended to give Appellants 3 months to carry out the requirements set out in the Compliance Notice</p>
<b>045/2010</b>	Compliance Notice issued for alleged breaches of conditions 5, 7 and 8 of Planning Control Permit PAPP/2009/0041 at Waves Apart-Hotel, Vazon, Castel	<ul style="list-style-type: none"> <li>- Whether the timescale was too short</li> <li>- Whether the issue of the Notice is in any other way unreasonable or ultra vires</li> </ul>	<i>Requirements attached to Compliance Notice:</i> <p>Condition 5 – the car parking shall be surfaced, marked out and made available for use prior to the use hereby approved</p> <p>Condition 7 – a comprehensive scheme of landscaping shall be submitted for approval</p> <p>Condition 8 – all planning, seeding or turfing in the approved landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development</p>	<p style="text-align: center;">Appeal Dismissed</p> <p style="text-align: center;">Compliance Notice Upheld</p>

2011 Compliance Notice Appeals					
021/2011	Requiring the removal of top soil deposited at Northfield, St Sampson	<ul style="list-style-type: none"> <li>Whether the issuing of a Compliance Notice was premature in light of submission of planning application which, if approved, would use soil</li> </ul>	Compliance Notice withdrawn by the Environment Department following action to rectify the planning breach		
022/2011	Requiring the removal of concrete base of former shed, water butts and other items from a field at Rue Carey, St Pierre du Bois	<ul style="list-style-type: none"> <li>Whether a breach of planning control has occurred in this case</li> <li>Whether the measures specified in the Compliance Notice can be regarded as reasonable</li> </ul>	<b>Relevant Policies</b> <b>Rural Area Plan</b> RCE1 – Protection of open land RCE3 – Protection of Areas of High Landscape Quality	<b>Reasons for allowing Appeal</b> - Lack of compelling evidence of a change in use of the land - Requirement to permanently remove specified items would stop appellants from undertaking further growing and so be unreasonable	Appeal Allowed  Compliance Notice quashed
023/2011	Compliance Notice relating to breach of planning control in relation to the use of part of the premises known as L'Atlantique Hotel as an independent beauty salon	Compliance Notice withdrawn by Environment Department			
024/2011	Compliance Notice relating to breach of planning control in relation to the use of part of the premises known as L'Atlantique Hotel as an independent beauty salon	Compliance Notice withdrawn by Environment Department			
030/2011	Compliance Notice relating to breach of planning control in relation to unauthorised development at Oatlands Centre, Les Gigands, St. Sampson	Appeal submitted outside the appeal period			

2011 Compliance Notice Appeals					
<b>042/2011</b>	Relating to the conversion of a packing shed to pigeon loft on agricultural land at Epinelle Road, St Sampson	<ul style="list-style-type: none"> <li>- Whether there has been any material changes since the Tribunal Decision of 25<sup>th</sup> August, 2011 sufficient for it to re-open any findings of that earlier Tribunal and hear further evidence upon those decided facts</li> <li>- Whether the use of the block built packing shed as a pigeon loft amounts to a breach of planning control</li> <li>- Whether the requirements of the Notice exceed what is reasonably necessary</li> <li>- Whether any period of time is unreasonably short</li> <li>- Whether the Notice was in any other way unreasonable or ultra vires</li> </ul>	<b>Relevant Policies</b> <b>Rural Area Plan</b> RGEN11 - Effect on adjoining properties RCE1 – Protecting open land RCE3 – Areas of high landscape quality RCE14 – Conservation and re-use of buildings	<b>Reasons for Dismissing Appeal</b> –The extent of the rebuilding work to the shed amounted to development under s.13 of the 2005 Law –There was no fault in the construction, wording or processing of the Compliance Notice	Appeal Dismissed  Compliance Notice Upheld but Effective Date amended to 13 February 2012
<b>043/2011</b>	Relating to the extensive rebuilding of the roof and superstructure of a packing shed at Le Panel, La Rue du Panel, Torteval	<ul style="list-style-type: none"> <li>- Whether the rebuilding of a pre-existing shed which had been demolished because of storm damage and for which there was no record of a grant of planning permission was development under s.13(1)(a) of the 2005 Law</li> <li>- Whether the Notice is ultra vires or unreasonable</li> </ul>	<b>Relevant Policies</b> <b>Rural Area Plan</b> RCE1 – Protecting open land and avoid unnecessary development RE1 – Agricultural development RE2 – Horticultural development	<b>Reasons for Dismissing Appeal</b> –The extent of the rebuilding work to the shed amounted to development under s.13 of the 2005 Law –There was no fault in the construction, wording or processing of the Compliance Notice	Appeal Dismissed

## 2011 Compliance Notice Appeals

<b>044/2011</b>	Relating to the construction of a fence at Highlands, Lowlands Road, St. Sampson	<ul style="list-style-type: none"> <li>- Whether the replacement of a pre-existing fence for which there was no record of a grant of planning permission was development under s.13(1)(a) of the 2005 Law</li> <li>- Whether the enforcement action was ultra vires or unreasonable in any way</li> </ul>	<b>Relevant Policies</b> <b>Urban Area Plan</b> GEN5 - Design GEN6 – Character and amenity DBE1 – Design – general	<b>Reasons for Dismissing Appeal</b> –The extent of the rebuilding work to the fence amounted to development under s.13 of the 2005 Law –There was no fault in the construction, wording or processing of the Compliance Notice	Appeal Dismissed
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## APPENDIX 2

### ANALYSIS OF PLANNING POLICIES

#### Rural Area Plan Policies

	2011	2010
<b>General</b>		
RGEN1 Sustainable development	2	2
RGEN2 Comprehensive development	--	--
RGEN3 Landscape, ecology and wildlife	--	2
RGEN4 Built heritage	2	2
RGEN5 Character and amenity	5	13
RGEN6 Design	1	2
RGEN7 Safe and convenient access	4	4
RGEN8 Parking and open space	--	4
RGEN9 Hazardous development, nuisance and pollution	--	--
RGEN10 Public enjoyment	--	2
RGEN11 Effect on adjoining properties	2	5
RGEN12 Flood risk	--	--
RGEN13 Airport safety	1	--
<b>Conservation and Enhancement</b>		
RCE1 Protecting open land and avoiding unnecessary development	7	6
RCE2 Landscape character	2	2
RCE3 Areas of High Landscape Quality	6	9
RCE4 Sites of Nature Conservation Importance	--	--
RCE5 Derelict land in the countryside	--	1
RCE6 Creation or extension of curtilages	2	3
RCE7 Public views	--	--
RCE8 Landscape design	--	--
RCE9 Archaeological remains	--	--
RCE10 Conservation Areas	1	3
RCE11 Buildings of special interest	--	--
RCE12 Design and local distinctiveness	--	5
RCE13 Demolition of buildings and features	2	5
RCE14 Conversion and re-use of buildings	4	3
<b>Housing</b>		
RH1 New housing	2	3
RH2 Social housing	--	--
RH3 Sub-division and conversion to provide housing	--	--
RH4 Protecting housing stock	--	--
RH5 Dower units	1	1
RH6 Extensions and alterations to dwellings	2	4

	2011	2010
<b>Rural Economy</b>		
RE1 Agricultural development	2	1
RE2 Horticultural development	2	--
RE3 Protecting key horticultural sites	1	--
RE4 Retail development	1	--
RE5 Garden centres	--	--
RE6 Coastal kiosks	--	--
RE7 Industrial development	3	1
RE8 Protecting industrial accommodation	1	--
RE9 Commerce related development	--	2
RE10 Home based employment	--	--
RE11 Visitor accommodation development	--	1
RE12 Rationalisation of visitor accommodation	--	--
RE13 Visitor facilities and attractions	--	2
RE14 Development requiring an airport location	--	--
RE15 Minerals	--	--
<b>Social, Community and Recreational</b>		
RS1 Community services	--	--
RS2 Protecting community facilities	--	--
RS3 Indoor recreational facilities	--	--
RS4 Outdoor recreational facilities	2	2
RS5 Golf course development	--	--
<b>Essential Development and Infrastructure</b>		
RD1 Essential development	--	--
RD2 Small-scale infrastructure	--	--
<b>Other Policies</b>		
Traffic priority routes	3	1
BS 5837:2005 Trees in Relation to Construction	1	1
BS 3998:1989 in respect of tree work	1	1

## Urban Area Plan Policies

	2011	2010
<b>General</b>		
GEN1 Sustainable development	--	--
GEN2 Comprehensive development	--	--
GEN3 Landscape, ecology and wildlife	--	--
GEN4 Built heritage	--	--
GEN5 Design	4	1
GEN6 Character and amenity	7	1
GEN7 Safe and convenient access	1	--
GEN8 Roads and infrastructure	1	2
GEN9 Safe and convenient access	1	--
GEN10 Open space and parking	--	--
GEN11 Public enjoyment	--	--
GEN12 Effect on adjoining properties	1	--
<b>Design and the Built Environment</b>		
DBE 1 Design - General	7	6
DBE 2 Developments with significant townscape impact	--	--
DBE 3 High buildings	--	--
DBE 4 Landscape design	--	--
DBE 5 Open space	--	--
DBE 6 Skyline and public views	--	--
DBE 7 New development in Conservation Areas	1	5
DBE 8 Buildings of special interest	1	2
DBE 9 Demolition of buildings and features	1	--
DBE 10 Archaeological remains	--	--
<b>Housing</b>		
HO 1 Housing provision in the Urban Area Plan	1	--
HO 2 New housing in Settlement Areas and on previously developed land	1	1
HO 3 Mixed use development	--	--
HO 4 Conversion and subdivision of existing buildings - General	--	--
HO 5 Vacant and underused upper floors	--	--
HO 6 Obsolete office space	--	--
HO 7 Flats, houses in multiple occupation, and staff hostels	--	--
HO 8 Housing Target Areas	1	1
HO 9 Retention of the existing housing stock	--	--
HO 10 Residential density and amenity	--	--
HO 11 Housing for smaller households	--	--
HO 12 Housing for people with mobility impairment	--	--
HO 13 Accommodation for the elderly	--	--
HO 14 Dower units	--	--

	2011	2010
<b>Employment</b>		
<b>Office Accommodation</b>		
EMP 1 New office developments	--	--
EMP 2 Small-scale professional and support services	--	--
EMP 3 Upgrading the office stock	--	--
EMP 4 Conversion of office sites for alternative uses	--	--
<b>Industrial Development</b>		
EMP 5 Key Industrial Areas	1	--
EMP 6 Industrial development outside Key Industrial Areas	--	--
EMP 7 Small workshops and yards	--	--
EMP 8 Development of the land reclamation site	--	--
EMP 9 Protecting industrial sites	1	--
EMP 10 Unneighbourly uses	--	--
EMP 11 Home based employment	--	--
EMP 12 Horticultural development	--	--
<b>Tourism</b>		
EMP 13 New tourist accommodation	--	--
EMP 14 Alteration, extension and redevelopment of existing tourist accommodation	--	--
EMP 15 Rationalisation of visitor accommodation	--	--
EMP 16 Visitor facilities and attractions	--	--
<b>Centres</b>		
CEN 1 New shopping facilities in the Central Areas	--	--
CEN 2 New retail development outside the Central Areas	--	--
CEN 3 Mixed use development	--	--
CEN 4 Complementing the retail function	--	--
CEN 5 Maintaining the variety of shop units	--	--
CEN 6 Public and commercial car parks	--	--
CEN 7 Temporary car parks	--	--
CEN 8 Pedestrians in the Central Areas	--	--
CEN 9 Town centre management and environmental improvement	--	--
CEN 10 Paving, street furniture and public art	--	--
CEN 11 Shopfronts	--	--
CEN 12 Signs	--	--
<b>Social, Community and Recreational</b>		
SCR 1 Community services	--	1
SCR 2 Education facilities	--	--
<b>Recreation</b>		
SCR 3 Development of existing facilities	--	--
SCR 4 Increased dual use of facilities	--	--
SCR 5 The establishment of sports performance centres	--	--
SCR 6 Indoor leisure facilities	--	--
SCR 7 Equestrian related development	--	--



	2011	2010
<b>Countryside</b>		
CO 1 New development outside the Settlement Areas	1	--
CO 2 Re-use of buildings outside the Settlement Areas	1	--
CO 3 Landscape character	--	--
CO 4 Areas of Landscape Value	--	--
CO 5 Wildlife and nature conservation	--	--
CO 6 Derelict land in the countryside	--	--
<b>Other Policies</b>		
Traffic priority routes	2	--
Belgrave Lane Housing Target Area	1	--

## **APPENDIX 3**

### **THE PLANNING PANEL'S GENERAL POLICIES AND PROCEDURES**

#### **Determination of an Appeal by a Single Professional Member**

When deciding if an application should be made to the Policy Council 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 Environment Department 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 Environment Department?
- Are there significant disputes as to the facts?
- Are there any novel legal issues?

#### **Determination on an Appeal by Written Representation by either a Single Professional Member or by a Full Tribunal**

When deciding if 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 s.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 Environment Department; how many and from whom?

### **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 Environment Department.

### **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 Environment Department'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 Environment Department'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 Environment Department'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.

### **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.

### **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 Environment Department 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 Environment Department's endeavours to deal with any breaches of the Island's development controls are not frustrated. The Panel's normal procedure will be to defer setting a date for determining an appeal against a Compliance Notice until after the expiry of the appeal period for the refusal of retrospective planning permission where the appellant advises the Panel of the intention to appeal both matters.

