

Annual
Report

2010

This is the first Annual Report of the Guernsey Planning Panel to the States of Guernsey Policy Council, which on this occasion covers the period from 6th April 2009 to 31st December 2010

**A review of the
operation and
Decisions of
Planning Tribunals**

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1.0 INTRODUCTION

I have much pleasure in presenting the first Annual Report of the Planning Panel to the States of Guernsey Policy Council, which on this occasion covers the period from its inception on 6th April 2009 to 31st December 2010, with subsequent Reports to run concurrent with the financial year, to conclude on 31st December annually.

In this inaugural document I seek to review the function of the Panel, comment on the legislation under which it operates and draw together key management information such as its operating costs and analysis of caseload, and also reflect on of its primary objective, the provision of a cost efficient, independent and professional Planning Tribunal Service. There is no requirement made on the Panel to report in this fashion but as it demonstrates through its processes and procedures, the Panel believes transparency and consistency in planning matters is vital and that the Panel is accountable to tax payers to demonstrate how it is contributing to this process.

2.0 BACKGROUND

The Planning Panel came into being on 6th April 2009 pursuant to The Land Planning and Development (Guernsey) Law, 2005, which provided for a Planning Tribunal to be established with the objective of providing informal and timely access to legal challenge of planning decisions of the States of Guernsey Environment Department.

The Panel consists of six members appointed by the States of Guernsey and independent of the Environment Department, two of whom are professional Presiding Members and the other four appointed as Ordinary Members. A Chairman and Deputy Chairman were appointed from among this number. In addition the Panel has three Reserve Ordinary Members who may be formally appointed to the Panel at a later date. The Panel has administrative support with a Secretary who is currently part-time and manages all aspects of the Panel's and Tribunals' administrative function.

It is from the Panel membership that the Chairman or Deputy Chairman appoints individual members to sit on a particular Planning Tribunal, which consists of a professionally qualified Presiding Member and two Ordinary Members. It falls to the two Ordinary Members to determine each case with the Presiding Member having a casting vote if necessary.

The Planning Panel, whilst assisted administratively through the Policy Council Secretariat, is totally independent of any States' Department or body, something which is fundamental and crucial to the functioning of Planning Tribunals.

3.0 TRIBUNAL SKILLS AND GUERNSEY'S PLANNING FRAMEWORK

Training is essential to ensure that all Members, including Reserve Members, are fully conversant with the appropriate legislation, case law, and best practice in the conduct and procedures of tribunals.

In that regard Members attended an initial three day course in the Island in May 2009 led by a locally born and educated Planning Inspector from the UK. He was able to provide guidance drawn from his own practical experience and assist with the core material both in terms of local planning law and tribunal best practice and procedure. This was supplemented by presentations from Law Officers, the Environment Department's Planning Officers and the Policy Council's Strategic Land Use Group.

This was followed by a further two day course in July 2009 to embed understanding of the Island's Planning Policies and Area Plans and their alignment with the States of Guernsey's directions determined through its Strategic Land Use Plan. All members, including Reserve Members, also completed the intense Essential Judicial Skills and Competences Course offered by the Judicial Studies Board in the UK to ensure tribunal best practice and procedures would underpin Planning Tribunals in Guernsey.

The Panel proposes to hold regular meetings to review caseload and discuss matters of policy or law that have arisen as it strives to deliver a transparent and accountable Planning Tribunal Service.

4.0 WORK OF THE PLANNING TRIBUNAL

The Tribunal is required to determine at Appeal a variety of planning decisions made by the Environment Department within the 2005 Law. Those who have made application to the Department and who are dissatisfied with the outcome, or who may be the subject of Compliance Notices, for example, have the right to appeal to the Planning Tribunal within six months or 28 days of the date of the Decision respectively. Indeed the Tribunal can determine an application if the Department fails to complete its determination within thirteen weeks of an application being duly made.

Hearings take place in public, publicised seven days in advance by the display of Notices in the Royal Court, at Sir Charles Frossard House and on www.gov.gg. Appellants and/or their representatives attend in person together with representatives of the Environment Department. Professional representation, by way of architect, lawyer, or other, is not required and appellants who act on their own behalf are assisted in every possible way to the extent that the Tribunal is able to do so whilst maintaining a fair and unbiased approach.

Appellants may also seek a determination by way of Written Representation where the Tribunal meets informally and in private and makes a decision based on the written material before it submitted by and disclosed to both parties.

An Appeal can be dealt with by a single professional member sitting in a Public Hearing or by Written Representation if requested so to do by the appellant but only with the express consent of both the Environment Department and the Policy Council.

All Appeals require a site visit by the appointed Tribunal which will be accompanied by the parties if after a Public Hearing but can be unaccompanied for a Written Representation where the proposed development on the Appeal site can clearly be viewed from public land.

The Panel has policies in place when considering the appropriate means to determine a case, and these are referred to in Appendix 2.0. These are based on practical experience after 18 months of operation and generally the Panel will require cases to be heard in public when third parties had expressed interest in the development under consideration at the time of its determination by the Environment department.

The Panel strives to release all Decisions within 21 days of their determination. However this has not always been possible due either to the commitments of the Tribunal members or the workload on the part-time Secretary. It is the Panel's policy to keep parties advised of potential delays to any Tribunal's formal written Decision. When the Tribunal has made its determination, its reasoned Decision Notice is sent to the parties and later is also made public by display in the Royal Court foyer and the reception of Sir Charles Frossard House. Decisions are also published on the Environment Department website alongside the planning application subject of the Appeal and the Department's original decision. The Panel also has a dedicated area on www.gov.gg/government/planningpanel where a variety of material can be found. This can also be accessed through the address www.planningappealspanel.gg.

5.0 CASELOAD

Due to an anticipated gradual build up of cases as access to the Planning Tribunal became more widely known, the statistical information in this Report and indeed the Report itself covers the period from inception until 31st December 2010.

During this period the Panel has received an increasing number of Appeals as detailed in Appendix 3.0 and 4.0. An Appeal will not be referred to the Chairman for the appointment of a Tribunal, or Deputy Chairman in his absence, until all papers are received and it is duly made pursuant to Section 2 of the Appeals Ordinance 2007. Notwithstanding this protocol, the Panel endeavours to list cases within three months and issue reasoned Decisions within 21 days of their Determination. It will do all in its power to ensure a case is determined within six months of receipt, that is one year from the date of the Department's Decision subject of the Appeal.

Of the 26 cases determined in this period, 65% received reasoned written Decisions within this 15 week period; three cases, or 12% of the determined caseload, were delayed by request due to exceptional circumstances such as appellants' serious ill health, and the remaining six cases were outside this target. Only one case took marginally longer than six months.

65% of Appellants received their Decisions no more than one week later than the 21 day target; 46% were within this target .

To date the vast majority of Appeals received have related to minor domestic matters such as widening of gateways, removal of hedges, and relatively small scale domestic extensions and conversions.

The Panel has also received applications relating to smaller scale commercial developments including change of use of commercial premises. The nature of the applications received thus far illustrate that the introduction of the Panel has enabled private householders and small businesses to have access to legal redress against a decision of the Environment Department which might not otherwise have been readily available to them. It is likely however that with an upturn in economic activity in the Island the Panel would see an increase in the number of larger scale commercial developments coming before it, which would substantially increase its workload both in terms of volume and also duration of individual Hearings.

It is also interesting to note that the Panel receives cases that do not proceed to determination, either being withdrawn, conceded, or not duly made within the prescribed time. These are not published online however in order for a complete picture of the workload managing cases they have been included in Appendices 3 and 4.

6.0 OPERATING COSTS

	2009	2010
Interview costs, on-Island training and JSB Course	£26,410	N/A
General Administration	£350	£750
Stationery	£610	£460
Panel Retainers, Attendance Fees & out of pocket expenses,	16,700	£48,070
Panel Travel & Accommodation etc (mainly related to caseload)	£210	£1,870
Operational Costs (mainly Room Hire for caseload)	£870	£4,050
Staff Salaries relating to all administration (Employer Social Security contribution excl; non pensionable position)	£12,550	£31,150
Total	£57,650	£86,350

Forecasting expenditure has been challenging as this is a formula led environment with operating costs directly related to caseload. The table above demonstrates this quite clearly given the caseload detailed in Appendices 3 and 4.

To minimise expense when establishing the Tribunal's operation the Secretary was secured on a part-time basis without additional contractual obligations such as pension, annual leave and sick pay, working only as required without a retainer and on a term time basis. Now

established and with an increasing workload this will be reviewed jointly by the Panel Chairman and Policy Council.

7.0 WORKING WITH THE LEGISLATION

It is often the case when working with new legislation that issues may arise which can create discussion on its interpretation and implementation.

7.1 Third Party Representations

The Panel has had to consider the issue of how Tribunals should deal with third party representations at Hearings.

The principle legislation is unequivocal in its description of permitted evidence in Planning Appeals lodged under Section 68 and this firmly closes the door on a significant range of material that an appellant may have wished to call on. Section 69 indeed requires such an Appeal to be determined on the basis of the materials, evidence and facts which were before the Department when making its decision. The question the Panel has considered really tests the interpretation of Section 69 when read in conjunction with Section 5(h) of The Land Planning and Development (Appeals) Regulations, 2008, in that the Appellate Body may call for such documents and examine such persons on oath, affirmation or otherwise as appears likely to afford evidence which is relevant and material to any question to be determined by the Appellate Body.

The Tribunal gives due consideration in its determinations to any letter of representation that preceded the date of the Department's Decision (or the date at the expiry of the period in which a Decision should have been given). The Tribunal is pro-active in advising a representor that an Appeal has been lodged, providing the date and venue for the Hearing, but advising that whilst open to the public to attend, evidence cannot be given.

On occasion disputes arise at the Hearings on the matters of fact stated in such letters which were received and considered by the Department as a result of the publication of applications and display of site notices. However, as the representor has been told he cannot give evidence but the letter will be considered, he generally does not attend and as a consequence, is unaware of matters discussed during the hearing.

It is the Panel's view that this procedure should however continue but that Section 5(h) of the Regulations does afford it the opportunity to examine such persons when the representation is judged likely to afford evidence which is relevant and material to any question to be determined. The Tribunal would write to the representor in this regard to secure his attendance, copied to the parties in the case. This would seem consistent with Section 69 of the Law which precludes the introduction of new material but not the review of material already before the Department.

This interpretation is further supported when dealing with a Compliance Notice Appeal under Section 70 where the Tribunal's obligations as set out under Section 71 makes no equivalent statement on the admissibility of such evidence, and in that regard third party representations insofar as they might be related to enforcement action are not automatically ruled out. The only guidance which the Panel has been able to obtain on this issue is contained in the Appeals Regulations, 2008, Part III, S.5 (b) (ii) where in respect of an Appeal against a compliance notice "any other person who in the opinion of the Appellate Body is affected by the breach of planning control" may appear, and presumably be entitled to give evidence.

7.2 Appellants' Challenges to the Environment Department's Consultations

Upon receiving a Planning Decision that an applicant then decides to appeal, he can obtain from the Environment Department copies of consultation reports and letters of representation as appropriate. However as the Law stands it is difficult for the appellant to challenge this material at Appeal.

As it may have been significant to the Department's Decision, as should become clear through its Appeal Statement, then natural justice leads one to conclude that the facts elicited from such documents and relied upon in the Decision should be explored.

It is the Panel's view that Section 5(h) of the Regulations would afford it the opportunity to examine such persons or call for such documents from the Appellant that would address the facts judged likely to have been relevant and material to any question to be determined. It therefore follows that if an appellant submits such material with his Appeal Notice in support of his detailed grounds of Appeal, which the Tribunal can explore at the Hearing and the Department can rebut or challenge, then Section 69 is in fact also observed.

Again this would seem consistent with the Law which precludes the introduction of new material but not the review of material before the Department; advice is being sought on the matter.

7.3 Lodging an Appeal

Under Section 68 (5) of the 2005 Law, there is a requirement that, pursuant to that Section, an Appeal to the Planning Panel must be served in the prescribed form to the Minister of the Environment Department, rather than directly to the Panel itself. In practice this does not appear to provide any useful benefit. There is an inevitable degree of delay whilst the documentation is received from the Department, but also the independence and integrity of the Panel is to an extent compromised by the Appeal Notice going to the Department which then in turn forwards it to the Panel, since this can give the impression of association between the two bodies. It is the view of the Panel that it would be desirable that the Appeal Notice be submitted directly to itself which would then initiate the Appeal processes.

7.4 Appeals relating to Dower Units

Appeals relating to dower units have disclosed anomalies in the requirements of the Environment Department in relation to the granting of planning permission and the requirements of building regulations pursuant to the Building Regulations, 1992. When making a grant of planning permission in such cases there is usually a condition that a kitchen or cooking facilities may not form part of the development. However, in ensuring compliance with building regulations there is a requirement that such a development must have such facilities. Not only has this caused some bewilderment to appellants it has also taxed Tribunals in delivering a realistic and enforceable outcome.

Note: The Panel is please to note that the Environment Department has recently published a Planning Advice Note covering the development of dower units and is confident this will help overcome the difficulties that Tribunals have encountered in delivering realistic and enforceable outcomes.

7.5 Retrospective Applications at Appeal

The Tribunal has seen a number of Appeals relating to retrospective planning applications. Here development has been undertaken without permission and when identified by the Department an application is invited to regularise the matter. On occasion when such applications are refused, the Department often advises the applicant of the timeframe in which the site must be restored to its original condition. As required by Law it also advises that an Appeal of its Decision can be made to the Tribunal within six months of the date of its Decision. The Decision may then come before the Tribunal and may be upheld. The applicant may still not restore the site and will then be subject to a Compliance Notice issued by the Department which may then be appealed. Such circumstances have come before the Tribunal and it seems to the Panel that a lengthy process can be significantly reduced in time and cost without detriment to the applicant's rights to appeal should the Department have issued the Compliance Notice concurrent with its original Refusal of Planning Permission.

Other retrospective Appeals have been upheld by the Tribunal and the sites have remained in their developed state, pending, it is assumed, compliance action by the Department.

7.6 Protected Building List

Early cases lodged with the Panel reflected the transfer in bulk of Protected Buildings from the Register to the new List required by the new Law. It was a source of frustration that the associated paperwork for these properties was of a poor quality and it became clear that a root and branch review of the policies and properties subject of the listing is required.

8.0 DEVELOPMENTS FOR 2011

At such an early stage in the history of the Panel it is not possible to establish discernable trends. At present the likely caseload may settle at around fifty cases per year but this could increase as the work of the Panel becomes more widely known or if changes were to take place in the Strategic Direction of the States of Guernsey in dealing with planning issues.. It is likely that the Fees Ordinance will come into force during 2011 whereby appellants will be required to lodge a fee with their Appeal Notice, and the impact of such requirements on the volume of cases brought before the Tribunal is difficult to assess.

With its current volume of work the present Ordinary Membership of the Panel is appropriate and it is fortunate in having three Reserve Members who continue to show great interest and enthusiasm for the work of the Panel, whilst not being directly involved. Their continued interest is a great asset and resource for the Panel. There will however be increased pressure on the two professional Presiding Members should the current level of Hearings increase. It is the view of the Panel that there is a current need for an increase in the number of professional Presiding Members. It would be prudent to have available in addition reserve professional Presiding Members who would be available for full appointment should workload increase. Should one of its existing two members not continue in office for any reason this would place a burden on the remaining member which would be difficult to sustain. Already the Panel is experiencing difficulties relating to potential conflicts of interest in this area and this is likely to increase with time. Should both professional Presiding Members find a conflict of interest in a case it would be very difficult to proceed.

The 2005 Law allows for the appointment of “not less than two” professional Presiding Members and for the States to appoint a maximum of nine Panel members. The Panel therefore intends to ask the Policy Council to advertise for a third professional Presiding Member, thus increasing the current membership of the Panel from six to seven members. The cost implications of this increase are not anticipated to be significant and can be met from within the Panel’s existing budget.

9.0 CONCLUSION

The first twenty one months of the Planning Panel has been a period of considerable development and much has been achieved. The availability of access to the Panel is becoming increasingly known particularly as a result of media coverage. The new legislation has allowed ease of access and expeditious determination of Appeals, with many appellants appearing before Tribunals unrepresented.

The Panel continues to evolve, with policies being implemented or adapted with increasing experience. None of this can happen without the hard work, skill and dedication of many people. I am greatly indebted to all my colleagues for their support, advice and assistance, and sheer hard work in what has been a hugely interesting time for all of us.

Finally, I would also like to record the Panel's gratitude to Mrs Joanne de Garis, our outgoing Panel Secretary, who has been instrumental in setting up many of the administrative procedures and protocols which have led to the efficient operation of the Tribunals in addition to her day to day handling of the Panel's work.

Patrick Russell

Patrick Russell LI.B (Hons.)

Chairman

31st December 2010

APPENDIX 1.0: PLANNING PANEL MEMBERS

Mr Patrick Russell

After graduating with an LL.B (Hons.) Degree in Law Mr Russell was articled to the Clerk to the Justices at the Chichester Magistrates Court and was admitted as a solicitor in 1982. He took up an appointment as a Prosecuting Solicitor later that year with the Sussex Police and subsequently with the Crown Prosecution Service. He was invited to join a local firm of solicitors and went into private practice in 1988 and became his firm's Criminal Litigation Partner. He developed an interest in mental health law and in 1998 set up a specialist mental health practice in West Sussex where he remained as senior partner until retiring from private practice in 2008.

Mr Russell was appointed as a Legal Member of the Mental Health Review Tribunal by the Lord Chancellor's Department, London, in 1994. He is currently a part time Tribunal Judge of the First-Tier Tribunal, Health, Education and Social Care Chamber. He has wide experience of sitting as a Tribunal Chairman and being responsible for the conduct of the proceedings and preparing the written judgement of the Tribunal. As well as receiving regular training in the practice and procedure of tribunals he also has attended training courses in wider areas such as Human Rights legislation, Diversity, Gender and Disability Equality, and Trans-cultural issues.

Chairman and ordinary member for a period of 6 years wef 6 April 2009.

Mr William Bowen

Mr Bowen qualified as a Chartered Surveyor in 1970 and set up his own private practice of chartered surveyors in Birmingham in 1972. He became a Fellow of the Royal Institution of Chartered Surveyors in 1979. He specialised in Commercial property matters and more particularly for some 34 years in tribunal work as an expert witness instructed by major Plc, private companies and Solicitors, in connection with all aspects of Liquor, Gaming, betting and public entertainment licensing. Attending and giving evidence in the Crown and Magistrates courts as well as before Local authority licensing panels throughout England and Wales. He also presented planning appeals at local enquiries and by written statement to the planning inspectorate, acting on behalf of clients. He retired from private practice to live in Guernsey in 2006 and is currently acting as a consultant to a Guernsey based firm seeking property in the United Kingdom.

Deputy Chairman and professional member for a period of 4 years wef 6 April 2009

Mr Stuart Fell

Mr Fell currently works as a consultant to an expanding planning and architectural design practice based in Jersey. He is involved with a wide range of development work, but his special interests include historic building projects, design work, and challenges to the planning process. Before moving into private practice, he worked for 10 years for the States of Jersey Planning Service in the role of conservation architect and urban designer, and for a period he headed up the development control service. Mr Fell trained originally as an architect, but quickly developed an interest in heritage matters. Following specialist training, he subsequently worked in conservation officer posts in Halifax, Chester and Newark, before taking up the job of Chief Technical officer at Tunbridge Wells Borough Council. This managerial post included responsibility for architectural and quantity surveying services, as well as the repair of the Council's public housing stock of several thousand dwellings. On leaving Tunbridge Wells, Mr Fell took up a 3 year contract as a planning Inspector with the UK Planning Inspectorate, where he determined a wide range of planning appeals in the name of the Secretary of State. These appeals were dealt with by means of written representations, informal hearings, or formal public inquiries. Mr Fell left the Inspectorate to take up his position in Jersey.

Professional member for a period of 6 years wef 6 April 2009.

Mrs Sheelagh Evans

Mrs Evans holds a BSc (Hons) in Estate Management and a Master's degree in Urban Land Appraisal. She retired from working as a Chartered Surveyor some years ago to raise her family. Until last year she was a Committee member of the British Red Cross (Bailiwick of Guernsey Branch) with responsibility for property matters. She is a member of the Tax on Real Property Appeals Panel.

Ordinary member for a period of 4 years wef 6 April 2009.

Mr John M. Weir

Mr Weir has been working in the property industry for almost 40 years. A Fellow of the Royal Institution of Chartered Surveyors, he has experience in a number of different facets of the profession including: private practice, Local Authority, quasi civil service, investment institution and industry as Property Director of both Siemens and United News & Media. Until taking early retirement he was Real Estate Executive at BP a position that entailed acquiring and disposing of various global property assets and seeking planning changes as appropriate. Throughout his career, planning has played an important part in delivering various projects. As a Member of CoreNet Global the organisation for Corporate Real Estate Professionals he has chaired a number of their workshop summits in global locations. He occasionally chairs the Tax on Real Property Appeals Tribunal.

Ordinary member for a period of 2 years wef 6 April 2009.

Mr Nigel Burnard

Mr Burnard is locally born and educated who retired from the Island Police Service in September 2005 having reached the rank of Inspector. The last 5½ years of his career was within the Court Office initially as a Prosecuting Inspector then with additional responsibility for Youth Justice and in 2002 he had responsibility for the Workflow Unit which monitored all submitted files. From January 2003 he oversaw the compilation of most Police Royal Court files and sudden death enquiries together with managing the investigation of 'outside agency' enquiries which entailed many dealings with the Law Officers of the Crown.

Ordinary member for a period of 2 years wef 6 April 2009

Note: On 23 February 2011 the States approved the re-appointment of both Mr. Weir and Mr. Burnard as Ordinary Members of the Panel for a further period of 6 years.

APPENDIX 2.0: PANEL POLICIES AND PROCEDURES

2.1 Identifying Classes of Planning Appeal suitable for determination 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 Planning Panel Chairman will consider the following factors:

- (a) Whether there has been a request of a party or parties that the Appeal in question should be determined in such a manner.
- (b) Whether the Appeal in question relates to a planning application of Island-wide significance, in accordance with Section 6 (2) (a) of The Land Planning and Development (Appeals) Ordinance, 2007.
- (c) Whether the Appeal in question is deemed minor and uncomplicated, and whether the evidence is self explanatory and complete. Such examples could be Appeals relating to signage, fences, domestic extensions or alterations of a household nature.
- (d) Whether there are any third party representations that have been made in respect of the application for planning permission.

2.2 Identifying Classes of Planning Appeal suitable for determination 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 Planning Panel Chairman will consider the factors referred to above in addition to those below relating to determination by a full Tribunal:

- (a) There will generally be a presumption in favour of acceding to the request of a party or parties that the Appeal in question be determined by written representation to give effect to the right contained in the legislation.
- (b) Whether the information from the parties is substantially complete and self-contained. If the submitted material is insufficient or unclear then a full Hearing in public will usually be required so that further information can be obtained.
- (c) Whether the policies and issues relating to the Appeal in question are clear cut. This can be demonstrated by the only additional information that the Tribunal will need to gather and appraise being related to site factors that can be addressed by a site visit.
- (d) Whether there is an over-riding public interest in respect of the Appeal in question. Such examples could be complex or large scale developments, or where the policy or legal framework is unclear and open to interpretation and in respect of which the Tribunal would need to seek clarification.
- (e) Whether there are any third party representations that have been made in respect of the application for planning permission.

2.3 Compliance Notices

When deciding if an Appeal in respect of the issue of a Compliance Notice should be determined by a Hearing or by written representations by either a single professional member or by a full Tribunal there will be a presumption by the Planning Tribunal Chairman that such an Appeal be heard by way of public Hearing given the often complex nature of such cases and the potential need to hear from the parties prior to determination.

APPENDIX 3.0: Appeals received in 2009 by the Planning Panel

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
001.09	06.05.09	Transition of an entry from Register to List of Protected Buildings at Karningul, Braye Road, Vale	Appeal Withdrawn		
002.09	11.05.09	Transition from Register to List of Protected Buildings at Eastwood, Mount Row, St Peter Port	Appeal Invalid		
003.09	14.09.09	Confirmation of a Tree Protection Order at 33 Clos Raymond Leterrier, Pont Vaillant, Vale	19.11.09	Appeal Dismissed 09.12.09	12 weeks
004.09	22.09.09	Refusal of Planning Permission to erect a fence at Tanderra, Les Petites Capelles, St Sampson's	Appeal Withdrawn		
005.09	25.11.09	Transfer of an entry from Register to List of Protected Buildings at 2 Mount Durand, St Peter Port.	Appeal Invalid		
006.09	23.10.09	Refusal of Planning Permission to permit the change of use of two dwellings (retrospective) at Primrose Cottage, Havelet, St Peter Port	25.02.10	Appeal Dismissed 08.03.10	19 weeks (appellant requested delay)
007.09	28.11.09	Refusal of Planning Permission to create a dower unit at Mont Plaisant, Hougues Peres, Vale	21.05.10	Appeal Dismissed 02.07.10	31 weeks (appellant requested delay)
008.09	16.12.09	Refusal of Planning Permission to extend outbuilding and convert to a self contained residential unit at The Stable, Pleinmont House, Rue des Valniquets, Torteval	14.04.10 (Site Visit) ¹	Appeal Allowed 15.06.10	26 weeks

¹ Indicates date of site visit as case determined by Written Representation

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
001.10	14.01.10	Refusal of Planning Permission to widen gateway to provide off-road parking at Dilkusha, Dalgairns Road, St Peter Port	15.04.10	Appeal Dismissed 29.04.10	15 weeks
002.10	19.01.10	Refusal of Planning Permission to remove a hedge and erect a wall at Aimee's Cottage, Sandy Hook, St Sampson's	15.04.10 (site visit) ²	Appeal Dismissed 29.04.10	14 weeks
003.10	26.01.10	Refusal of Planning Permission to lop a tree protected by a Tree Protection order at Primera, 33 Clos Raymond Leterrier, Pont Vaillant, Vale	07.05.10 (site visit)	Appeal Dismissed 26.05.10	17 weeks
004.10	03.02.10	Refusal of Planning Permission to permit a camp site and motor home storage area and relocate greenhouse at Meadow View, Rue à Ronces, Côtel	17.03.10	Appeal Dismissed 07.04.10	9 weeks
005.10	12.02.10	Refusal of Planning Permission to demolish part of roadside wall to create vehicular access and parking at At Last, La Canurie Road, Vale	29.04.10	Appeal Dismissed 25.05.10	15 weeks
006.10	12.02.10	An Appeal against a non-determination of a Planning Application to erect a marquee on field situate at Rue des Marettes, St Martin's on a temporary basis	17.05.10	Appeal Dismissed 25.06.10	19 weeks
007.10	10.03.10	An Appeal against Planning Permission granted with conditions to erect boundary wall (retrospective) at Vevey, Rue des Marais, Vale	07.06.10	Appeal Allowed 25.06.10	15 weeks
008.10	17.03.10	Refusal of Planning Permission to extend domestic curtilage (retrospective) at Ruishton, Rue des Houmet, Côtel	29.04.10 (site visit)	Appeal Dismissed 21.05.10	9 weeks
009.10	23.03.10	Refusal of Planning Permission to remove earth bank and use fields for outdoor recreational purposes at Sylvans Sports Club, St	05.05.10	Appeal Allowed 19.06.10	13 weeks

² Indicates date of site visit as case determined by Written Representation

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
		Saviour's/St Pierre du Bois			
010.10	26.03.10	Refusal of Planning Permission to erect signs (retrospective) at Waves Apart-Hotel, Vazon, C�atel	29.04.10 (site visit)	Appeal Dismissed 21.05.10	8 weeks
011.10	26.03.10	Refusal of Planning Permission for alterations to a car parking area at Slater's Bridge, Mont Arriv�e, St Peter Port	14.05.10	Appeal Dismissed 26.05.10	9 weeks
012.10	26.03.10	Refusal of Planning Permission to remove hedge and extend existing balcony at White Horses, Fort George, St Peter Port	30.06.10	Appeal Dismissed 28.07.10	17 weeks
013.10	06.04.10	Refusal of Planning Permission to erect event marquee and use of field for parking 4 th July – 19 th Sept 2009 at Jerbourg, St Martin's	18.05.10 (site visit)	Appeal Dismissed 28.07.10	16 weeks
014.10	09.04.10	Refusal of Planning Permission to erect sign (retrospective) at Guernsey Conservatories, Earlswood Nursery, La Ville Baudu, Vale	07.06.10 (site visit)	Appeal Allowed 28.06.10	12 weeks
015.10	04.05.10	Refusal of Planning Permission to alter outbuilding and convert to separate residential unit and erect fencing at Le Pont Morinel, Mont d'Aval, C�atel	30.06.10 (site visit)	Appeal Dismissed 28.07.10	12 weeks
016.10	21.04.10	Refusal of Planning Permission to erect boundary fencing (retrospective) at Cote es Ouets, Les Rouvets, Vale	19.07.10	Appeal Dismissed 15.09.10	21 weeks
017.10	27.05.10	An Appeal against a Compliance Notice issued for parking and use of storage container at Oatlands Vinery, St Sampson's	Compliance Notice withdrawn 27.09.10. No case to answer		
018.10	28.05.10	Refusal of Planning Permission to make alterations to vehicle access and reduce height of roadside wall (retrospective) (reconsideration) at Brighthelmston, La Mazotte, Vale	14.07.10	Appeal Allowed 30.07.10	9 weeks

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
019.10	15.04.10	Refusal of Planning Permission for change of use of packing shed to general storage (retrospective) (reconsideration) at Merton Vinery, Rue des Pointes, St Andrew's	Appeal Withdrawn		
020.10	07.06.10	Refusal of Planning Permission for illuminated sign (retrospective) at Fusion Nightclub, Lower Pollet, St Peter Port	Appeal not duly made in time		
021.10	10.06.10	Refusal of Planning Permission to demolish section of roadside wall railings, create vehicular access & parking area (retrospective) (reconsideration) at St Honorine, Candie Road, St Peter Port	23.07.10	Appeal Dismissed 08.09.10	13 weeks
022.10	06.07.10	Refusal of Planning Permission to alter vehicular access, install revolving turntable, create additional parking spaces and install new disabled lift between car park and dwelling entrance at Mont Altier, Cordier Hill, St Peter Port	08.11.10	Appeal Dismissed 25.11.10	20 weeks (appellant requested delay)
023.10	14.07.10	Refusal of Planning Permission to erect a conservatory (first floor rear) at Brookleigh, Queen's Road, St Peter Port	Appeal Conceded		
024.10	26.07.10	Refusal of Planning Permission to erect sheds (retrospective) at Les Loriers, Rue de Rougeval, Torteval	20.09.10	Appeal Dismissed 11.10.10	11 weeks
025.10	03.09.10	Refusal of Planning Permission to construct new vehicular access & parking area at Pres la Cour, Le Courtillet, St Martin's	10.11.10	Appeal Dismissed 09.12.10	14 weeks
026.10	03.09.10	Refusal of Planning Permission to erect first floor extension on existing outbuilding at Les Niaux Farm, Les Niaux, C�atel	17.11.10	Appeal Dismissed 06.12.10	13 weeks

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
027.10	03.09.10	Refusal of Planning Permission to 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	13.12.10	Released in 2011	
028.10	06.09.10	Refusal of Outline Planning Permission to erect a petrol filling station at GT Cars site, Les Bas Courtils Road, St Sampson's	Appeal Withdrawn		
029.10	09.09.10	Refusal of Planning Permission for change of use class at Unit 1, Route de la Garenne, Pitronnerie Road, St Peter Port	Determined in 2011 by request		
030.10 and 031.10	15.09.10	Refusal of Planning Permission to install captain's dormer, recessed balcony & glazed doors (at roof level) & install roof lights to front elevation:& to demolish existing garage/store & erect new garage/store at La Verniaz, Rue de la Lague, Torteval	Determined in 2011 by request		
032.10	21.09.10	Refusal of Planning Permission to extend and convert existing outbuilding to a dwelling (including installation of dormer windows, balcony, rooflights) and install post and rail fencing Sunnydene, Route de la Marette, St Saviour's	13.12.10	Released in 2011	
033.10	21.09.10	Refusal of Planning Permission to demolish roadside wall to enlarge vehicle access and replace existing rooflight at rear with dormer window at Airlie Cottage, La Route du Braye, Vale	Determined in 2011 by request		
034.10	27.09.10	An Appeal against Planning Permission granted with conditions to widen access by 20cm and not 70cm as per application at Feldspar, Grandes Maison Road, St Sampson's	Determined in 2011		

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
035.10	27.09.10	An Appeal against Planning Permission granted with conditions to remove hedge and erect fence at Budleigh, Rue Cauchez, St Martin's		Struck out in 2011	
036.10	27.09.10	Refusal of Planning Permission to lop five sycamore trees at Woodvale, Damouettes Lane, St Peter Port		Withdrawn in 2011	
037.10	04.10.10	Refusal of Planning Permission to erect sunlounge on west elevation at The Moorings, Rue Batée, Vale		Determined in 2011	
038.10	04.10.10	Refusal of Planning Permission to erect fencing along the roadside boundary (retrospective) at Vue de L'Eglise, Rue du Belle, Torteval		Determined in 2011	
039.10	04.10.10	An Appeal against Planning Permission for signage at Grandes Rocques Bar and Bistro, Rue de la Saline, Cobo, Côtel, subject to a condition (No 4) which withholds permission for two signs, one to each side of the front elevation of the building.		Determined in 2011	
040.10 and 041.10	11.10.10	Refusal of Planning Permission to widen vehicular access (retrospective) and to remove earthbank in driveway (retrospective) at Le Nid, Hougue du Pommier, Côtel		Determined in 2011	
042.10	24.11.10	Refusal of Planning Permission to erect fence at roadside and east boundaries and erect shed (temporary) at front (retrospective) at Les Serres du Verger, Grand Douit Lane, St Sampson's		Determined in 2011	

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
043.10	01.12.10	Refusal of Planning Permission to use horticultural land as builders' yard (retrospective) at La Canurie Vinery, La Canurie Road, Vale		Determined in 2011	
044.10	01.12.10	An Appeal against a Compliance Notice issued for use of horticultural land as builders' yard La Canurie Vinery, La Canurie Road, Vale		Determined in 2011	
045.10	08.12.10	An Appeal against a Compliance Notice issued for alleged breaches with regard to conditions 5&8 of Planning Control Permit PAPP/2009/0041 at Waves Apart-Hotel, Vazon, Côtel		Determined in 2011	
046.10	20.12.10	Refusal of Planning Permission to demolish existing dwelling and erect new dwelling, erect stables, extend domestic curtilage, erect fencing and construct earth bank at The Hawthorns, Rue du Manoir, Forêt		Withdrawn in 2011	

