

**Annual
Report**

2012

Third Annual Report of the Guernsey Planning Panel

INDEX

	Chairman’s Introduction	5
1	Background	6
2	Planning Panel Membership	6
3	Panel Staff	7
4	Operating Costs	7
5	Appeal Fees	8
6	Casework	8
7	Case Appraisal	10
8	Case Administration	11
9	Update on Issues raised in the Panel’s previous Annual Reports	
	(a) Third Party Representations	13
	(b) Appeal Periods	13
	(c) Statements of Significance for Conservation Areas and Protected Buildings	14
	(d) Compliance Notices	15
10	Developments for 2013	
	(a) States Strategic Land Use Plan and Development Plans	16
	(b) Access to Appeal Papers	16
11	Conclusion	17
Appendix 1	Planning Panel membership	19
Appendix 2	Synopsis of appeal cases for 2011 and 2012	20
Appendix 3	Analysis of planning policies engaged in appeal cases	40
Appendix 4	Planning Panel’s General Policies and Procedures	
	(a) Determination on an appeal by a Single Professional Member	45
	(b) Determination on an appeal by written representation by either a Single Professional Member or by a full Tribunal	45
	(c) Determining Compliance Notices and Confirmation of Tree Protection Order	46
	(d) Site visits	46
	(e) Handling post-hearing correspondence	47
	(f) Determining linked appeals against the refusal of planning permission and against a Compliance Notice	48

Chairman's Introduction

It is my pleasure to present the Planning Panel's third Annual Report.

The Planning Panel has been in place for some three and a half years and is now very much part of the planning process.

Whilst numerically our caseload has now settled and remains similar to 2011 there is no doubt that the complexity of issues before the Panel have further increased, with the proportion of commercial type appeals being for the first time greater than those of a more domestic nature. The Panel has also noted an increase in professional representation.

The Panel has continued to develop working relationships with all parties involved in the Tribunal process wherever possible but is ever mindful of the absolute necessity of it maintaining its independence and professional integrity.

In terms of procedures at Tribunal hearings a significant change has been the introduction for a trial period of an agenda-led format which has been a success and widely welcomed by those attending. This procedure is referred to in more detail later in this Report. It has resulted in a less adversarial feel to hearings and has focussed attention on key areas for consideration both of which should benefit in particular unrepresented appellants.

During 2012, the Panel welcomed two additional professional members, Mrs. Linda Wride and Mr. Jonathan King, both experienced UK planning inspectors. Their contribution has further strengthened the Panel's work and they have both brought significant experience to the planning appeal process. We have also welcomed Mr. David Harry as an ordinary member in place of Mr. Nigel Burnard, who resigned following his appointment to a full-time post. The Panel is now in my view both professionally and numerically well placed to deal with any matters that may come before it.

In presenting this 2012 Annual Report, I have highlighted a number of issues which have arisen during 2012 and which I believe need to be monitored, in particular the increase in the Panel's operating costs. Being publically funded, it is our duty to ensure we are providing not only a professional, transparent and fair appeal system but one that represents excellent value for money for the people of Guernsey. The Report also provides a detailed overview of the appeal cases determined by the Panel during 2012 which I hope will be informative and of interest to all.

I am again indebted to my fellow colleagues on the Panel for their support, enthusiasm and hard work. Their efforts far exceed any remuneration they receive and as I have recorded before their skill, dedication and professionalism have resulted in a Panel which is now very much established as an independent body within the Island's planning process. I also have the pleasure to record the Panel's indebtedness to our Secretary, Miss Elizabeth Dene, who provides us with administrative support of the highest professional standard.

Patrick Russell
Chairman
June 2013

1. Background

The Planning Panel was established in April 2009, under the Land Planning and Development (Guernsey) Law, 2005 to determine appeals against planning decisions made by the Environment Department¹.

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

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

2. Planning Panel Membership

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, Mrs. Wride took early retirement from the UK Planning Inspectorate, having worked as a Senior Planning Inspector for 9 years. 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 Inspectorate, Mr. King worked for both the Nottingham and Staffordshire County Councils' planning departments.

Mrs. Wride's and Mr. King's considerable experience is reinforcing the Panel's ability to determine planning appeals systematically.

In July 2012, Mr. Nigel Burnard resigned from the Panel following his appointment to a full time post which had thereby resulted in him being unable to sit on Tribunal hearings. Mr. Burnard was a great asset to the Panel particularly in respect of his planning and local knowledge. His contribution to all aspects of the Panel's work was greatly appreciated by his colleagues.

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

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

Following Mr. Burnard's resignation, the States, at its September 2012 meeting, unanimously appointed Mr. David Harry as an ordinary member in his place. Mr. Harry is a qualified English Solicitor and has specialised in land and property law. Mr. Harry is a member of the Society of Trust and Estate Practitioners and the Guernsey International Legal Association.

Mr. Harry was a reserve member of the Panel as indeed was Miss Julia White who was appointed in 2011. The Panel's policy of involving its reserve members in all aspects of its work and training has proved invaluable since both have been able to take up their roles with ease.

The full membership of the Panel at the end of 2012 is set out at Appendix 1.

3. Panel Staff

During 2012 there were no staff changes and Miss Dene continues to act as the Panel's Secretary on a half-time basis.

4. Operating Costs

The Panel's expenditure in 2012 is set out in Table 1. Although the number of appeals did not increase significantly on previous years, the Panel noted a marked change in the type of appeals it dealt with. Two differences had a particular impact on the Panel's costs, especially in respect of the payments to Panel Members. Firstly, unlike in previous years the number of appeals linked to commercial developments increased significantly. In 2011, only 8 cases related to commercial premises. This number rose to 13 in 2012 (see Table 2 for further details). Secondly, the number of appellants opting to be professionally represented also saw a sharp increase. In 2011, only 4 appellants were represented by an advocate but this rose to 15 in 2012 (see Table 6 for further details).

As a result of these changes and in particular the multiple and complex planning issues arising in several cases, Tribunal members and in particular the professional members, needed to spend significantly more time preparing cases prior to the hearing. The time taken to draft Decision Notices also increased.

The Panel has observed that most appellants continue to request a public hearing before a Tribunal. The Panel is mindful that this is administratively the most costly mode of appeal to the Guernsey tax payer. It continues to remind appellants of the availability of appeal by the use of written representations and determination by a single professional member whenever possible. Its Guidance Notes also promote greater use of these options underlining that the weight of the decisions is no less than following a public hearing and that the rigour of the members' examination of the appeal papers is the same. However, the Panel is also very mindful that, in accordance with legislation, the mode of hearing chosen must in general ultimately rest with an appellant.

The Panel continues to arrange public hearings in blocks of three or four appeals over a two or three day period. In this way it makes best use of the professional members' time in Guernsey whilst minimising travel costs.

Table 1**Panel's Expenditure and Income**

	2009	2010	2011	2012
Recruitment and training	£26,410	£0	£8,352	£8,000
General administration and stationery	£960	£1,410	£1,038	£685
Payments to Panel Members (<i>for preparation, attendance, drafting and review fees and monthly retainers</i>)	£16,700	£48,070	£50,867	£79,076
Travel and accommodation costs	£210	£1,870	£1,618	£4,749 ³
Operational costs	£870	£4,050	£3,503	£4,259
Staff salaries	£12,550	£31,150	£32,232	£33,355
Total Expenditure	£57,700	£86,550	£97,610	£132,124
Income from Fees	--	--	£965⁴	£7,969

5. Appeal Fees

2012 was the first full year where fees were payable for certain categories of appeals. The Panel noted that only one appellant withdrew their appeal on being advised of the appeal fee. The fees payable ranged from £42 to £950.

The Panel is mindful that section 4E of the Land Planning and Development (Fees and Miscellaneous Amendments) Ordinance, 2011 provides,

"The Policy Council may by regulations amend this Ordinance so as to substitute the fee payable under this Part, in relation to an appeal to which this Part applies, for such other amount as the Policy Council thinks fit including, without limitation, substituting the percentage of any discount applied under this Part."

Should the Policy Council decide at some point to increase the fees associated with planning appeals consideration could also be given to increasing the percentage discount for written representations and determination by a single professional member (currently a 25% discount on the appeal fee is applied). However, issues such as fee levels are very much for others to determine and are not within the remit of the Panel.

6. Casework

In 2012 (2011), the Panel received 44 (43) appeals. Tables 2 and 3 provide a breakdown of the categories of appeals made and their disposal.

At the end of 2012, 7 appeals remained unheard. Of these appeals, 3 related to a single application (a refusal of planning permission and two associated compliance notices). As noted above, 2012 saw a sharp increase in the number of appeals which related to commercial developments.

³ The increase in costs reflects the additional travel and hotel accommodation following the appointment of two UK-based Professional Members

⁴ Appeals fees became payable with effect from 1 September 2011 (see Section 5 for further detail)

Table 2
Breakdown of
Appeal Cases
by Outcome

	Number of Appeals			Outcome																	
				Allowed (i.e. where the Tribunal found in favour of the appellant)			Dismissed (i.e. where the Tribunal upheld the Department's decision)			Other											
										Withdrawn by Appellant			Conceded or Withdrawn by Department			Appeal out of time			Dismissed under s.69(4) of the 2005 Law		
2012	2011	2010	2012	2011	2010	2012	2011	2010	2012	2011	2010	2012	2011	2010	2012	2011	2010	2012	2011	2010	
Appeal against refusal of planning permission	30	29	36	10	8	7	14	15	24	3	5	4	1	1	--	--	1	1	--	--	--
Appeal against refusal of outline planning permission	--	2	--	--	1	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--
Appeal against planning conditions	4	3	1	2	2	--	1	1	--	--	--	--	--	--	--	1	--	1	1	--	--
Appeal against non-determination	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Appeal against a Compliance Notice	9	8	3	2	1	1	1	3	1	--	--	--	3	3	1	--	1	--	--	--	--
Appeal against confirmation of a Tree Protection Order	--	1	1	--	1	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL	44	43	41	14	13	8	16	20	26	3	5	4	4	4	1	1	2	2	1	--	--

Table 3

	Number of Appeals					
	2012		2011		2010	
	Private Premises	Commercial Premises	Private Premises	Commercial Premises	Private Premises	Commercial Premises
Refusal of planning permission	19	13	23	8	25	10
Refusal of outline planning permission	--	--	--		2	--
Planning conditions	--	3	3	--	1	--
Non-determination	--	1	--	--	--	--
Compliance Notices	1	7	6	2	1	2
Confirmation of a Tree Protection Orders	--	--	--	1		
TOTAL	20	24	32	11	29	12

7. Case Appraisal

During 2012, the Panel continued to publish quarterly synopses of planning appeal decisions (see Appendix 1). This document sets out brief details of the case, the issues identified at appeal, the planning policies involved and the Tribunal's decision. These are available on the Panel's website (www.gov.gg/planningpanel).

Table 4

Subject matter of Appeals⁵		2012	2011	2010
Change of Use	Horticultural to industrial	--	2	1
	Horticultural to residential	1	1	1
	Horticultural to recreational	1	1	4
	Industrial to retail	2	1	--
	Retail to residential	1	--	--
	Office to residential	2	--	--
	Tourist accommodation to residential	2	--	--
Creation of dormer windows		--	1	2
Creation of parking	Private/domestic	5	4	8
	Commercial	2	1	--
Domestication of agricultural land		--	2	--
Small-scale domestic cultivation on agricultural land		--	3	--
Dower units		--	1	1
Extension of curtilage		1	--	1
Fencing and gates	Type	3	3	3
	Height	3	--	--
New housing developments		2	2	2
Removal or lowering of roadside walls		8	6	13
Construction or removal of earthbanks		2	--	3
Re-use of redundant buildings for other purposes		1	6	5
Sheds on agricultural or horticultural land		1	5	1
Signage		2	--	3

⁵ A single appeal case may have involved more than one of the subject areas listed.

In 2012 (2011), 24(21) 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 19 (19) cases related to developments in the Urban Area. A full breakdown of the planning policies is set out in Appendix 2.

Table 4 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 shown in Tables 2 and 3.

8. Case Administration

During 2012, the Panel reviewed its policies and procedures in the following areas:

- The determination of whether appeals should be heard in public before a Planning Tribunal rather than by means of Written Representations or before a Single Professional Member.
- The determination of appeals against Compliance Notices and the Confirmation of Tree Protection Order.
- The procedure for site visits.
- The handling of post-hearing correspondence.
- The determination of 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.

Table 5 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
	2012 (2011)	2012 (2011)	2012 (2011)	2012 (2011)
Public Hearing before a Planning Tribunal	25 (26)	8 (5)	30 (31)	6 (9)
Public Hearing before a Single Professional Member	-- (1)	-- (--)	-- (--)	-- (--)
Written Representations determined by a Planning Tribunal	7 (5)	-- (2)	3 (1)	-- (--)
Written Representations determined by a Single Professional Member	2 (--)	-- (2)	-- (--)	-- (--)

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

Table 5 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 from that indicated by the appellant, such as a request for determination by Written Representations or by a Single Professional Member, the latter also requiring the consent of the Policy Council.

In 2012, the Panel noted a sharp increase in the number of appellants choosing to be represented by a professional person. Table 6 below provides a breakdown.

Table 6		2012	2011	2010
Breakdown of Representation⁶				
Unrepresented		15	16	17
Unrepresented but assisted by a friend or family member		3	3	3
Represented	Architect	17	8	10
	Advocate	15	4	4
	Planning consultant	3	3	--
	Surveyor	--	2	--

The Panel is very conscious that when the States of Deliberation agreed to introduce a tribunal-based appeal process for challenging planning decisions it was keen to enable unsuccessful applicants to present their own appeals without having to incur the expense of employing professional assistance. It recognises that whether an appellant is professionally represented or not is entirely the appellant's choice. However, the Panel would be concerned if potential appellants were discouraged from appealing a planning decision because they felt they must be professionally represented but were unable to afford such representation.

With this in mind, to assist all who appear before a Planning Tribunal, but in particular unrepresented appellants, the Panel in 2012 introduced an agenda – led approach for use at most hearings. There were a number of reasons for this change, but the main reason was to ensure the hearing process was as accessible as possible to the self-represented appellant. The Panel also believe that an agenda ensures that hearings are conducted in a systematic, thorough and timely manner and avoids unnecessary repetition of evidence. Whilst introduced for a trial period this change in procedure has been a success and has reduced any adversarial feel to proceedings which the Panel hope will be of particular benefit to unrepresented appellants.

An agenda is prepared by the Tribunal and sets out the issues which it has identified from its review of the appeal papers as being central to the determination of the appeal. The agenda does not of course prevent an appellant or the Department from raising any other matters which they believe should be considered by the Tribunal. The agenda is circulated to the parties approximately one week prior to the hearing.

⁶ Numbers relate to appeals determined at a public hearing; in two cases the appellant was represented by an Advocate together with the architect

Further, the agendas are made available to any members of the public or media who may attend the hearing. The Panel has noted that the availability of the agenda has been welcomed by people who submitted a written representation to the Department when the planning application was determined. The Panel is fully aware that the provisions of section 69(1) of the 2005 Law limit a Tribunal to considering the appeal solely on the basis of the materials, evidence and facts which were before the Department and so it is unable to take any new evidence from those who have made third party representations. It believes that this change in procedure means that third parties can now follow the appeal hearing more fully and so contributes to the openness and transparency of the appeals process.

9. Update on Issues raised in the Panel's previous Annual Reports

(a) Third party representations

During 2012, the Panel noted a rise in the number of third party representations linked to appeal cases. It is unclear as to why this should be. It may reflect that appeal cases are often those which are most finely balanced or those applications which have attracted considerable opposition from neighbours. In previous annual reports, the Panel has commented on the restrictions placed on third parties and indicated that it would support some relaxation of the current restrictions placed on taking evidence from third parties.

Whilst this remains the Panel's general view, it fully recognises that any such change would need to be carefully managed to ensure that the principle of a merits review of a decision on the material, evidence and facts before the Department was maintained. It is also conscious that if an application attracts a large number of third party representations this could lengthen any hearing if all were able to give evidence.

The Panel has noted the approach adopted by the Environment Department in respect of third parties who wish to address an Open Planning Meeting. It notes that setting strict time limits, limiting submissions to relevant planning considerations and inviting objectors to nominate a spokesperson have received approval by all parties without limiting the openness and transparency of the planning process.

The Panel's view is that if the current limitation was amended the Tribunal should adopt a similar approach, subject to ensuring that the process remained fair and showed no bias towards any party.

The Panel's general policy is to require a public hearing where the application has attracted a number of representations from third parties such as neighbours (see Appendix 4(a) for full details of this policy).

(b) Appeal periods

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

This concern was raised in its 2011 Annual Report and, following discussions with the Policy Council, it agreed to monitor the situation, including the impact that appeal fees⁷ may have, and to report back in its future reports should these concerns continue to arise.

In 2012, this issue arose in three appeal cases. In two of these cases, the appeals against the refusal of planning permission were submitted just before the expiry of the six month appeal period. Further, the Panel also noted that in 2011, the UK Government amended the provisions under the Town and Country Planning Act, 1990 in respect of the appeal period for a refusal of planning permission where the application was made after the commencement of enforcement action. As a result, the appeal period for the refusal of a retrospective planning application and an associated Enforcement Notice are the same, i.e. 28 days from the date of issue, rather than six months for the refusal of planning permission, and 28 days for the Enforcement Notice.

The Panel believes that a similar approach could be introduced locally. It believes that if such an amendment to the 2005 Law was made, it would reduce the likelihood of the two different appeal periods being used to frustrate the enforcement process and so ensure that all appeals are determined in a timely manner to maintain public confidence in the appeals process without limiting an appellant's access to a fair and impartial tribunal.

Further, in a number of such cases the Panel has determined, the Tribunal hearing the appeals has noted that during the extended period within which an appeal can be lodged, and brought to a hearing, the physical circumstances on a site have changed, thus making it more difficult to establish the circumstances that prevailed at the time the alleged breach of control occurred. Shorter appeal periods could also significantly reduce these difficulties.

The Panel believes that there may be merit in considering a similar approach locally and does not believe that such a change would unfairly impact on an individual as he/she would have been aware that the development in question was unlawful and required planning permission through the commencement of enforcement action, e.g. by way of a Challenge Notice issued by the Environment Department.

(c) Use of Statements of Significance for Conservation Areas and Protected Buildings

During 2012, the Panel noted that a large number of appeals involved developments that were either in a Conservation Area or on the Protected Building List. The Panel felt on occasions there was a "gap" in the information before it to enable it to fully understand the Department's reasoning and this "gap" could only properly be addressed through the Tribunal asking questions during the hearing to understand the characteristics of the area or building, including:

⁷ The fee payable for retrospective applications is double the usual rate and the same fee is applied to any appeal against the refusal of planning permission and against conditions attached to the grant of planning permission.

- **Evidential Value** – i.e. explaining the characteristics of the area and how an area’s characteristics reflect its development and use, including aspects of architectural design through both time and the work of a particular architect or builder
- **Historical Value** – i.e. explaining how the area’s current characteristics can be connected to past people, events and aspects of life
- **Communal Value** – i.e. explaining how the area relates to the local community and the Island as a whole
- **Aesthetic Value** – i.e. why an area is considered to merit special protection, including how the area can be distinguished from adjacent areas outside the Conservation Area.

The Panel acknowledges that the Environment Department is undertaking a review of all the Island’s Protected Buildings and Monuments and that this is a significant task. However, it remains a difficulty for Tribunals that the Department does not have any published criteria for assessing whether or not a building merits special protection. Further, the Department does not routinely include a general statement for the Conservation Areas set out in the Rural and Urban Plans when submitting its written response to an appeal.

However, the Panel believes that, in the interim, the Statements of Significance addressing the above matters would assist a Tribunal and, more importantly, enable the appellant to better understand the Department’s reasons for its decision.

(d) Compliance Notices

In a number of the appeals against Compliance Notices lodged in 2012, the Panel noted that the description of the alleged breach of development control was unclear. The Notices required the reader to refer to section of the Notice setting out the measures to be taken and steps or activities to be stopped to be taken to understand what the alleged breach was and how it should be rectified.

In most cases the Compliance Notice simply states that,

“The actions by the owners and / or tenant is development as defined by section 13 (1)(b) of the 2005 Law.

In breach of section 14 of the 2005 Law development of Land has taken place without planning permission and the said breach continues.”

The Panel is concerned that, in some cases, appellants, particularly those who are unrepresented, appear not to have fully understood the extent or nature of the alleged breach. This has led to a lack of clarity in how they have drafted their grounds of appeal and presented their appeal. The Panel is concerned that where an appellant fails to properly understand what the alleged breach consists of, he/she may not be able to fully argue their case at appeal because they have not set out their grounds of appeal in full.

Unlike appeals on the refusal of planning permission, appeals against Compliance Notices must be made against specific grounds of appeal which are set out in s. 70(1) of the 2005 Law.

The Panel believes that if the details of the breach were more clearly explained by the Department this should also ensure that all parties fully understand the nature of the alleged breach and the grounds of appeal that may be engaged.

10. Developments for 2013

(a) Strategic Land Use Plan and review of Development Plan

The Panel notes that the Environment Department is actively progressing the Development Plan Review following the approval of the States Strategic Land Use Plan (SLUP) in September 2012.

The Panel acknowledges that the direction and focus of the Strategic Land Use Plan is fundamentally different from its predecessor in that it promotes more effective working practices and establishes 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 awaits, with interest, the publication by the Department of the key issues and options in Spring 2013 and thereafter the draft Plans.

In its 2011 Annual Report, the Panel highlighted difficulties Tribunals had encountered when determining appeals relating to small-scale domestic cultivation on agricultural land and suggested that consideration could be given to an amendment to the definition of agriculture under the Rural and Urban Area Plans. At that time, the Department felt that such piecemeal amendments to the Development Plans should not be progressed but assured the Panel that its comments would be taken into consideration when drafting the new Development Plan under the principles set out in SLUP.

The Panel notes that the Policy Council/Environment Department anticipates that the draft Detailed Development Plan, which has to be drafted in conformity with the Strategic Land Use Plan, will be reviewed at a Planning Inquiry in Autumn 2014 and the Plan will then be submitted to the States of Deliberation for approval during 2015.

(b) Access to appeal papers

As noted above, during 2012 the Panel noted that the number of third party representations linked to an appeal case had increased markedly. It also noted that, in a number of appeal cases, the third parties have found it difficult to follow the proceedings because they had not seen the appeal papers and so have left the hearing frustrated and potentially feeling that the appeal process was not as open and transparent as they would have hoped.

The Panel has decided to make appeal papers available to third parties on a similar basis to the access provided to the original planning application papers. With effect from the 1st January 2013, the Panel will allow third parties to view the appeal papers.

The Panel hopes that this approach will mitigate any concerns about the openness and transparency of the appeals process.

11. Conclusion

The Panel has been determining planning appeals for nearly four years. During this time it has sought to develop and strengthen its experience and understanding of the planning process.

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

Appendices

APPENDIX 1 – PLANNING PANEL MEMBERSHIP

Name	Position on Panel	Date Appointed	Term of Office
Mr. Patrick Russell	Chairman	March 2009	Until March 2015
Mr. Stuart Fell	Vice Chairman and Professional Member	March 2009	Until March 2015
Mr. Jonathan King	Professional Member	January 2012	Until January 2018
Mrs. Linda Wride	Professional Member	January 2012	Until January 2018
Mrs. Sheelagh Evans	Lay Member	January 2013 ⁸	Until January 2019
Mr. David Harry	Lay Member	September 2012 ⁹	Until January 2017
Mr. John Weir	Lay Member	January 2011 ¹⁰	Until January 2017
Ms. Julia White	Lay Member	January 2012 ¹¹	Until January 2019

⁸ Mrs. Evans was first appointed as a lay member in March 2009 to serve for 4 years

⁹ Mr. Harry was appointed to serve the unexpired term of Mr. Burnard's appointment

¹⁰ Mr. Weir was first appointed as a lay member in March 2009 to serve for 2 years

¹¹ Ms. White was first appointed in September 2011 to serve the unexpired term of Mr. Bowen's (who resigned from the Panel in May 2011) appointment

APPENDIX 2 - SYNOPSIS OF APPEAL CASES DETERMINED DURING 2011 AND 2012

Appeals on 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	<ul style="list-style-type: none"> – Whether improved visibility overrides harm caused by the removal of part of the stone granite wall, to the character of the area 	Rural Area Plan 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	<ul style="list-style-type: none"> – 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 	Rural Area Plan RE4 – Retail development RE8 – Protecting industrial accommodation	Appeal Dismissed
006, 007 and 008/2011	Excavate steps and relocate gate pillar to create parking area at Somerset House, Collings Road, St. Peter Port	<ul style="list-style-type: none"> – 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 – Whether widening opening in front wall would cause unacceptable harm to the character of the surrounding area 	Urban Area Plan GEN6 – Character and amenity DBE1 - Design DBE9 – Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
009/2011	Demolish roadside wall to create vehicular access at 13 Les Camps Terrace, Les Camps, St Martin's	<ul style="list-style-type: none"> - Whether the development conserves and enhances the special character and appearance of the area - Whether the removal of an additional 1.7m of wall would prejudice the character of the area 	Rural Area Plan RGEN5 – Character and amenity RCE10 – Conservation areas	Appeal Allowed
010/2011	Erect an agricultural store at field at Vue de l'Eglise, Forest	<ul style="list-style-type: none"> - 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 	Rural Area Plan RCE1 – Protecting open land and avoid unnecessary development RCE3 – Areas of High Landscape Quality RE1 – Agricultural development RE2 – Horticultural development	Appeal Allowed
011/2011	Install recessed dormer window on fifth level at 22 Cornet Street, St Peter Port	<ul style="list-style-type: none"> - Whether the proposed dormer would preserve or enhance the character of the surrounding Conservation Area - Whether the dormer would appear intrusive or discordant in the wider street scene 	Urban Area Plan GEN6 – Character and amenity DBE1 - Design DBE7 – New development in conservation area	Appeal Dismissed
013/2011	Erect shed at Haute Landes Vinery, Les Abreuveurs, Vale	<ul style="list-style-type: none"> - 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 - Whether the development runs contrary to other relevant policies of the Plan 	Rural Area Plan RCE1 – Protecting open land and avoid unnecessary development RCE3 – Areas of High Landscape Quality RE1 – Agricultural development RE2 – Horticultural development	Appeal Allowed
014/2011	Alter car parking and vehicle access and lower roadside wall at Wavertree, Grand Bouet, St Peter Port			Withdrawn by Appellants

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
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"> – Whether the proposed vehicular access would have an unacceptably detrimental effect on highway safety – Whether the formation of new openings in the roadside boundary wall would cause harm to the character and amenity of the local environment 	Rural Area Plan 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"> – Whether installing garage doors and new window opening to the existing façade would cause harm to the character of the property 	Rural Area Plan 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"> – Whether the proposed extension can reasonably be regarded as accommodation that is subservient to the existing dwelling, i.e. a dower unit – Whether the proposed dower would be appropriate, given its proximity to the neighbouring property 	Rural Area Plan 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"> – Whether the access route is capable of providing safe and convenient access to the appeal site 	Urban Area Plan 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
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"> – Whether the development causes unacceptable harm to the rural surroundings 	Rural Area Plan 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

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
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"> - Whether a policy gateway exists allowing development on the appeal site - Whether the site can be regarded as an open space making a beneficial contribution to its surroundings - Whether the development would cause unacceptable detriment to its open quality - Whether by virtue of scale, mass and design the dwelling would have an adverse impact on the character of the surroundings 	Urban Area Plan 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"> - 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 	Rural Area Plan 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
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"> - Whether the retention of the decking in its present form would cause unacceptable harm to the character and amenity of the surroundings - Whether its retention would result in unacceptable harm to the amenity of the adjacent residential property to the west 	Rural Area Plan RGEN1 – Sustainable development RGEN5 – Character and amenity RE11 – Visitor accommodation development	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
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"> 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 Whether the benefits to road safety outweigh any harm to the character or appearance of the locality 	Urban Area Plan 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"> Whether the erection of this new replacement fence amounts to “development” within the meaning of s. 13 of the 2005 Law Whether the replacement fence is in conflict with the intentions of Policies 	Urban Area Plan 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"> Whether the replacement of the existing fence would cause unacceptable harm to the surroundings 	Rural Area Plan 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
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, Portinfern Road, Vale	<ul style="list-style-type: none"> Whether any benefit in retaining the access sufficient to override the presumption to resist a further access onto a Traffic Priority Route Whether the condition is reasonable and justified on road safety and traffic management grounds 	Rural Area Plan RGEN7 – Safe and convenient access Traffic Engineering Guidelines for Guernsey	Appeal Allowed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
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"> 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 	Rural Area Plan 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"> Whether the proposed development would have a significant adverse effect on the visual quality or landscape character of the area Whether the quality of design and the materials to be used in the development it is contrary to Policy RGEN 6. 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 Whether the Department has acted with inconsistency. 	Rural Area Plan RGEN5 – Character and amenity RGEN6 – Design RCE3 – Areas of high landscape quality	Appeal Dismissed
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"> 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 Whether this work would harm the quality of the land in agricultural terms 	Rural Area Plan RGEN1 – Sustainable development RCE2 – Landscape character RCE3 – Areas of high landscape quality	Appeal Dismissed

Reference	Appeal Details	Principal Issues	Relevant Policies	Decision
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"> 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 	Rural Area Plan 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"> Whether the appeal site is agricultural land 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 Whether the development results in the creation or extension of the domestic curtilage of the property 	Rural Area Plan 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

Appeals on the refusal of planning decision or a grant of planning permission subject to conditions – 2012				
Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
001/2012	Create a parking area to the rear of Reasons Cottage, Carriere Lane, Vale	<ul style="list-style-type: none"> Whether the provision of a domestic parking area on the field would harm highway safety given the anticipated increase in traffic movements at the existing field access which has sub-standard visibility in both directions 	Urban Area Plan GEN8 – Safe and convenient access	Appeal Allowed
002/2012	Demolish an existing and erect a replacement garage and store for ancillary domestic use at Old Mill Lane, St. Martin	<ul style="list-style-type: none"> Whether the proposed building, by virtue of its design, form, and massing, would have an unacceptably harmful effect on the character or visual amenity of the surroundings 	Rural Area Plan RGEN5 – Character and amenity RGEN6 – Design RCE12 – Design and local distinctiveness	Appeal Dismissed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
002/2012	Demolish an existing and erect a replacement garage and store for ancillary domestic use at Old Mill Lane, St. Martin	<ul style="list-style-type: none"> Whether the proposed building, by virtue of its design, form, and massing, would have an unacceptably harmful effect on the character or visual amenity of the surroundings 	Rural Area Plan RGEN5 – Character and amenity RGEN6 – Design RCE12 – Design and local distinctiveness	Appeal Dismissed
004/2012	Erect illuminated signs at La Luna Bar, Le Pollet and Fusion Nightclub, Le Truchot, St. Peter Port	<ul style="list-style-type: none"> Whether the illuminated signs that have been erected can be said to conserve or enhance the character and appearance of the Conservation Area 	Urban Area Plan DBE7 – New development in conservation areas CEN12 - Signs	Appeal Allowed for La Luna Bar Appeal Dismissed for Fusion Nightclub
005/2012	Change of use of part of a public car park at the Mallard Hotel, Rue de la Villiaze, Forest to create parking for commercial vehicles for hire cars	<ul style="list-style-type: none"> Whether the development is necessary to support the efficient running of the airport, having regard to the nature and scale of the airport-related use and the site’s location relative to the airport and Areas of High Landscape Value Whether this is sufficient to override the presumption against such development in the rural area 	Rural Area Plan RE7 – Industrial development RE14 – Development requiring an airport location Definition of “close proximity to the airport”	Appeal Allowed
006/2012	Change of use for Flat 2, Isis, Upper St. Jacques, St. Peter Port from a self-catering holiday chalet (Use Class 12) to residential accommodation (Use Class 1)	<ul style="list-style-type: none"> Whether Flat 2 can be regarded as providing satisfactory living accommodation and a living environment of a standard suitable for permanent occupation, given the size and layout of the apartment and its closeness to the adjoining dwelling 	Urban Area Plan HO4 – Conversion and subdivision of existing buildings – general EMP15 – Rationalisation of visitor accommodation	Appeal Allowed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
008/2012	Replace windows and doors to existing builder's store , widen existing vehicle access and extend hard-standing at Hougues Magues Lane, St. Sampson	<ul style="list-style-type: none"> - Whether the resurfacing of the access drive and the areas of hardstanding can be regarded as incidental and essential to the authorised use of the site - Whether the development can be said to resolve any conflicting amenity issues arising in relation to the neighbouring dwellings in Hougues Magues Clos - Whether the development would cause unacceptable harm to the open and undeveloped character of the rural area, or the visual quality of the surroundings 	Rural Area Plan RGEN11 – Effect on adjoining properties RE7 – Industrial development RCE1 – Protecting open land and avoiding unnecessary development RCE3 – Areas of high landscape quality	Appeal Allowed with the exception of the surfacing on the east side of the building
009/2012	Vary previously approved plans at Beckford's Funeral Services, Rue des Crabbes, St. Saviour, namely to retain the existing cider press, omit the earthbank and enlarge site area		Rural Area Plan RGEN11 – Effect on adjoining properties RCE1 – Protecting open land and avoiding unnecessary development RE9 - Commerce-related development	Appeal withdrawn as planning permission for a revised application granted on 28 September 2012
011/2012	Extend The island Bowl, Victoria Venue, St. Sampson to create a crèche	<ul style="list-style-type: none"> - Whether the appeal site is suitable having regard to its location outside the defined Settlement Area and Belgrave Vinery Housing Target Area; and - The effect of vehicular traffic generated by the proposed development on highway safety and convenience 	Urban Area Plan CO1 – New development outside Settlement Area SCR2 – Educational facilities Belgrave Vinery Housing Target Area Traffic Engineering Guidelines for Guernsey	Appeal Dismissed
012/2012	Vary the terms of an earlier permission, namely to alter the terms of Condition 4 of application FULL/2010/3561 so as to extend the hours of operation to between 06.00 hours and 21.00 hours daily, on land at La Planque Lane, Forest.	<ul style="list-style-type: none"> - Whether the extended hours of operation that are now proposed would result in unacceptable harm to the reasonable amenity of neighbouring houses 	Rural Area Plan RGEN11 – Effect on adjoining properties	Appeal Dismissed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
013/2012	Change of use of office (Use Class 21) to create an additional residential unit (Use Class 2) at The Wing, St. Julian's Cottage, Les Canichers, St. Peter Port	– Whether the proposed residential unit would provide a satisfactory living environment and standard of accommodation, having regard to daylight and sunlight, outlook, privacy, noise and disturbance	Urban Area Plan HO4 – Conversion and subdivision of existing buildings - General HO6 – Obsolete office accommodation EM4 – Conversion of office sites for alternative uses	Appeal Dismissed
014/2012	Appeal against planning decision refusing planning permission for illuminated signs at 24 High Street, St. Peter Port		Urban Area Plan GEN4 – Built heritage GEN5 – Design DBE1 – Design - general DBE8 – Buildings of special interest CEN11 – Shopfronts CEN12 – Signs	Appeal withdrawn as planning permission for a revised application granted on 11 October 2012
015/2012	Appeal against the non-determination of an application for change of use from retail to residential use and for permission of alter the upper floors of a protected building at 30 Fountain Street, St. Peter Port		Urban Area Plan GEN4 – Built heritage GEN5 – Design DBE1 – Design - general DBE8 – Buildings of special interest DBE9 – Demolition of buildings and features CEN11 – Shopfronts	Appeal withdrawn as planning permission granted on 10 May 2012 and thereby extinguishing the grounds for appeal
017/2012	Negate Planning Condition 4 stating that, <i>“The premises to which this permission relates shall be used for purposes relating to the cricket use of the main building and for no other purpose including any other public amenity use under Public Amenity Use Class 29 of the Land Planning and Development (Use Classes) Ordinance”</i> for an extension to the Guernsey Indoor Cricket Club, Hougue du Pommier, Vale	– Whether condition 4 of the planning permission is necessary and reasonable, having regard to the intended use of the development and the objectives of Policy RS3	Rural Area Plan RS3 – Indoor recreational facilities Land Planning and Development (Use Class) Ordinance, 2007 UK Circular 11/95 – The Use of Conditions in Planning Permissions	Appeal Allowed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
018/2012	Remove the existing gate and pillars to the front of Les Rosiers, The Rohais, St. Peter Port to widen the vehicular access	<ul style="list-style-type: none"> - Whether demolishing the gate pillars has an adverse effect on the character and appearance of the street scene in the Rohais, St. Peter Port 	Urban Area Plan GEN6 – Character and amenity DBE1 – Design	Appeal Dismissed
019/2012	Construct earthbank and decking in the rear garden of Coast View, Les Dunes, Vazon, Castel	<ul style="list-style-type: none"> - Whether the development required planning permission - Whether the development had an adverse effect on the amenity of the neighbouring properties 	Rural Area Plan RGEN11 – Effect on adjoining properties RH6 – Extensions and alterations to dwellings	Appeal Dismissed
020/2012	Alter level, by infilling in two areas of field at Les Vauxbelets, Le Bouillon, St. Andrew	<ul style="list-style-type: none"> - Whether the proposed infilling of the landscape features in question would cause serious harm to the character of the surrounding landscape - Whether the benefits arising from the work in agricultural terms, by virtue of improvement in the management of the land and the safety of livestock and those working the land, outweigh that harm 	Rural Area Plan RCE1 – Protecting open land and avoiding unnecessary development RCE2 – Landscape character RCE3 – Areas of high landscape quality	Appeal Dismissed
021/2012	Rebuild an existing glasshouse and change of use to use as a workshop and store at La Fontenalle, Rue de la Fontenalle, Vale	<ul style="list-style-type: none"> - Whether development (building works and / or change of use) requiring permission has taken place - Whether the use is consistent with the Rural Area Plan with respect to development on agricultural land - Whether the development has led to the loss of open or agricultural land - The impact of the development on the visual quality and landscape character of the Area of High Landscape Value 	Rural Area Plan RE1 - Agricultural development RE2 - Horticultural development RCE1 - Protecting open land and avoiding unnecessary development RCE3 - Areas of High Landscape Quality	Appeal Allowed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
022/2012	Construct a garage to the rear of 1 York House, South Esplanade, St. Peter Port	<ul style="list-style-type: none"> – Whether the proposed garage would have an adverse effect on the character and appearance of 1 York House – The impact of the development on the wider area, including a Conservation Area and nearby Protected Buildings 	Urban Area Plan GEN5 – Character and amenity GEN6 – Design DBE1 – Design - general DBE6 – Skyline and public views DBE7 – New development in conservation areas DBE8 – Buildings of special interest	Appeal Dismissed
024/2012	Create an area of hard standing at to on land to the rear of Bonamy House, St. James Street and for the area to be used for parking cars on a commercial basis	<ul style="list-style-type: none"> – Whether development has occurred of a kind that requires permission under s. 13 and 14 of the 2005 Law – Whether the absence of any intervention by the Department in respect of that use could be taken as an implied consent for its continuation or as an indication that the use had become established – Whether the continued use as a temporary car park would be in conflict with the objectives of Policy CEN7 	Urban Area Plan GEN6 – Character and amenity GEN8 – Safe and convenient access GEN9 – Open space and parking GEN12 – Effect on adjoining properties CEN6 – Public and commercial car parks CEN7 – Temporary car parks Traffic Engineering Guidelines for Guernsey	Appeal Dismissed
025/2012	Convert an existing building to provide a dwelling at Dell Nursery, Le Foulon, St Peter Port	<ul style="list-style-type: none"> – Whether it is appropriate to convert this building into a dwelling in the manner proposed 	Rural Area Plan RCE14 – Conversion and re-use of buildings	Appeal Dismissed
026/2012	Create a pedestrian access on the east elevation at 1 and 2 Les Petites Fontaines, St. Peter Port	<ul style="list-style-type: none"> – Whether the retention of the doorway opening in question would cause unacceptable harm to the character and appearance of the surroundings 	Urban Area Plan GEN6 – Design DBE1 – Design - general DBE7 – New development in conservation areas	Appeal Dismissed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
027/2012	Remove a section of existing roadside granite wall in Mount Row, St. Peter Port to create vehicular access and a parking area for Laburnum, 1 The Queens Road , St. Peter Port	<ul style="list-style-type: none"> – Whether the proposed development would conserve or enhance the character and appearance of the St. Peter Port Conservation Area and preserve the setting of protected building on the site 	Urban Area Plan GEN6 – Design GEN8 – Safe and convenient access DBE1 – Design - general DBE7 – New development in conservation areas DBE8 – Buildings of special interest	Appeal Dismissed
028/2012	Rescind condition 8 (closure of existing access) of FULL/2011/0835 to remove section of roadside wall to create vehicular access and driveway, erect retaining wall and install pillars and steps to front of 5 Mount Row St. Peter Port	<ul style="list-style-type: none"> – Whether allowing the approved development without complying with condition 8 would unacceptably harm highway safety and convenience – Whether condition 8 is reasonable in the context of other conditions and in particular condition 5(a), and having regard to the hitherto unrestricted access to the garage and its driveway – Whether the retention of the original access in addition to the new approved access would conserve or enhance the character and preserve the setting of the protected building 	Urban Area Plan GEN6 – Design GEN8 – Safe and convenient access DBE1 – Design - general DBE7 – New development in conservation areas DBE8 – Buildings of special interest Traffic Engineering Guidelines for Guernsey UK Circular 11/95 – The Use of Conditions in Planning Permissions	Appeal Allowed
030/2012	Create a new vehicular access and access road through existing field and erect earth banks at the Guernsey Tennis Centre, Route de Longcamps, St. Sampson	<ul style="list-style-type: none"> – The effect of the development on the character of the area – Whether the loss of the trees may be mitigated by replacement landscaping – Whether the benefits, including road safety, the running of the tennis club; and to the wider community, outweigh any harm to the character of the area – Whether it is expedient in the interests of amenity for the trees in question to be subject to a Tree Preservation Order 	Rural Area Plan RGEN3 - Landscape, ecology and wildlife RGEN5 - Character and Amenity RCE1 - Protecting open land and avoiding unnecessary development RS3 - Indoor recreational facilities Traffic Engineering Guidelines for Guernsey UK Circular 11/95 – The Use of Conditions in Planning Permissions	Both Appeals Allowed
040/2011	Confirmation of Tree Protection Order in respect of a group of trees adjacent to the Guernsey Tennis Club, Route des Longcamps, St. Sampson			

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
031/2012	Change of use of part of the ground floor of the Newlands Building. Lowlands Industrial Estate, Route du Braye, Vale to Retail Use Class 14 and ancillary storage, install signs (south and west elevations), replacement doors, ramps and railings (west elevation)	<ul style="list-style-type: none"> - whether the proposal would result in the unacceptable loss of industrial floor-space, bearing in mind the level of the demand for such floor-space and the suitability of the building for continued use for these purposes - Whether, by virtue of its nature, position and layout, this proposed retail use would be detrimental to the viability and vitality of the retail centre at The Bridge 	Urban Area Plan CEN1 – New shopping facilities in the Central Areas CEN2 – New retail development outside the Central Area CEN3 – Mixed use development EMP9 – Protecting industrial sites	Appeal Allowed
032/2012	Erect 1.8m high close boarded timber gates at Le Corvalet, Chemin des Sommeilleuses, Forest	<ul style="list-style-type: none"> - Whether the proposed gates would unacceptably harm the unspoiled character of the rural surroundings 	Rural Area Plan RGEN3 – Landscape, ecology and wildlife RGEN5 – Character and amenity RGEN6 - Design RCE3 – Areas of high landscape quality	Appeal Dismissed
033/2012	Create vehicular access and erect gates at La Grande Rue Farm, La Grande Rue, St. Saviour	<ul style="list-style-type: none"> - The effect of the proposed development on the character and appearance of the conservation area - Whether any benefits arising from the development would be sufficient to outweigh any harm found in relation to the first issue 	Rural Area Plan RH6 – Extension and alterations to dwellings RCE13 Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Allowed
034/2012	Demolish a section of roadside wall at 69 Mount Durand, St. Peter Port to create vehicular access and to erect new pillars at the entrance, roadside wall and along the driveway and install steps to the pathway	<ul style="list-style-type: none"> - The effect of the proposed development on the character and appearance of the conservation area. - The effect of the proposed development on road safety 	Urban Area Plan GEN6 – Design GEN8 – Safe and convenient access DBE1 – Design - general DBE8 – Buildings of special interest Traffic Engineering Guidelines for Guernsey	Appeal Dismissed

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
035/2012	Appeal against the conditions attached to the grant of planning permission for a “Spiegel Tent” at Oatlands Village, Les Gigands, St. Sampson, namely to vary conditions 2, 4 and 5 of FULL/2012/2832		Rural Area Plan RGEN5 - Character and amenity RGEN10 - Public Enjoyment RGEN11 - Effect on adjoining properties RE13 - Visitor facilities and attraction	Appeal rejected under s.69(4) of the 2005 Law as temporary planning permission expired on 30 th September 2012; therefore no “live” planning decision
036/2012	Change of use for Flat 1, Isis, Upper St. Jacques, St. Peter Port from a self-catering holiday chalet (Visitor Economy Use Class 12) to residential accommodation (Residential Use Class 1)	<ul style="list-style-type: none"> - Whether the residential unit would provide acceptable living conditions with particular respect to: <ul style="list-style-type: none"> - Potential for overlooking and loss of privacy - Absence of dedicated vehicle parking - Size and amenity value of the private open space 	Urban Area Plan HO4 - Conversion and subdivision of existing buildings – general EMP15 - Rationalisation of visitor accommodation Guernsey Technical Standards G7 - Habitable Rooms	Appeal Allowed
037/2012	Demolish existing dwelling and replace with new dwelling at La Grande Flaguée, Vieille Rue, St. Saviour		Rural Area Plan RGEN5 - Character and amenity RGEN6 - Design RH6 - Extension and alterations to dwellings RCE11 - Building of special interest RCE12 - Design and local distinctiveness	Appeal Dismissed
038/2012	Vary previously approved alterations to 1 Newington Place, Church Road, St. Sampson; namely to increase the size of the first floor extension and omit two chimneys		Urban Area Plan DBE1 - Design - general DBE7 - New development in conservation areas	Appeal withdrawn by the Appellants

Reference	Appeal Details	Principle Issues	Relevant Policies	Decision
039/2012	Erect a "Spiegel Tent" at Oatlands Village, Les Gigands, St. Sampson until 31 January 2013	– Whether the continued stationing of the Spiegel Tent for a further period of four months beyond that envisaged in the original grant of permission would give rise to unacceptable harm to the rural surroundings	Rural Area Plan RGEN5 - Character and amenity RGEN10 - Public Enjoyment RGEN11 - Effect on adjoining properties RE13 - Visitor facilities and attraction	Appeal Dismissed
041/2012	Remove render and re-point the front of Les Profonds Camps, La Rue du Profond Camp, St. Martin and the side wing of the property (Protected Building)		Rural Area Plan RH6 - Extension and alterations to dwellings RGEN4 - Built heritage RCE11 - Building of special interest	Appeal conceded by the Environment Department under s.68(7) of the 2005 Law
044/2012	Demolish section of wall and resurface driveway to create vehicular access at Fleur de Lys, La Grande Rue, St. Saviour	– Whether the development would give rise to an intensification of use of a substandard vehicular access so as to have a harmful effect on highway safety	Rural Area Plan RH6 - Extension and alterations to dwellings RCE13 - Demolition of buildings and features Traffic Engineering Guidelines for Guernsey	Appeal Allowed

2011 Compliance Notice Appeals					
021/2011	Requiring the removal of top soil deposited at Northfield, St Sampson	<ul style="list-style-type: none"> Whether the issuing of a Compliance Notice was premature in light of submission of planning application which, if approved, would use soil 	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"> Whether a breach of planning control has occurred in this case Whether the measures specified in the Compliance Notice can be regarded as reasonable 	Relevant Policies Rural Area Plan RCE1 – Protection of open land RCE3 – Protection of Areas of High Landscape Quality	Reasons for allowing Appeal <ul style="list-style-type: none"> 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					
042/2011	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"> - Whether there has been any material changes since the appeal decision of 25th August 2011 sufficient to re-open the earlier Tribunal and hear further evidence upon the decided facts - Whether the use of the packing shed as a pigeon loft amounts to a breach of planning control - Whether the requirements of the Notice exceed what is reasonably necessary - Whether any period of time is unreasonably short - Whether the Notice was in any other way unreasonable or ultra vires 	Relevant Policies Rural Area Plan RGEN11 - Effect on adjoining properties RCE1 – Protecting open land RCE3 – Areas of high landscape quality RCE14 – Conservation and re-use of buildings	Reasons for Dismissing Appeal –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
043/2011	Relating to the extensive rebuilding of the roof and superstructure of a packing shed at Le Planel, La Rue du Planel, Torteval	<ul style="list-style-type: none"> - 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 - Whether the Notice is ultra vires or unreasonable 	Relevant Policies Rural Area Plan RCE1 – Protecting open land and avoid unnecessary development RE1 – Agricultural development RE2 – Horticultural development	Reasons for Dismissing Appeal –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					
044/2011	Relating to the construction of a fence at Highlands, Lowlands Road, St. Sampson	<ul style="list-style-type: none"> - 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 - Whether the enforcement action was ultra vires or unreasonable in any way 	Relevant Policies Urban Area Plan GEN5 - Design GEN6 – Character and amenity DBE1 – Design – general	Reasons for Dismissing Appeal –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

2012 Compliance Notice Appeals		
003/2012	Appeal against a Compliance Notice in respect of construction of an earthbank at Beckford’s Funeral Services, Rue des Crabbes, St. Saviour to show boundary between agricultural land and the commercial premises , the planting of four trees on the southern side of the earthbank	Planning permission for a revised application granted on 28 September 2012; therefore no grounds for issuing Compliance Notice and so withdrawn by the Environment Department; appeal formally conceded
007/2012	Appeal against a Compliance Notice in respect of extensive repairs to an existing glasshouse and change of use to use as a workshop and store at La Fontenalle, Rue de la Fontenalle, Vale	Appeal against refusal of planning permission (PAP/021/2012 and FULL/2011/2691 refer) allowed; therefore no grounds for issuing Compliance Notice and so withdrawn by the Environment Department; appeal formally conceded

2012 Compliance Notice Appeals				
023/2012	Appeal against a Compliance Notice issued by the Environment Department in respect of a change of use from Use Class 22 (Administrative, Financial and Professional Services) to Use Class 14 (retail Use) of La Remise, Le Petit Marais, Vale	Section 13(1)(b) of 2005 Law – material change of use Rural Area Plan RE4 – Retail development	Issues considered – Whether a material change of use from offices to retail has occurred – Whether the existing use for the display and sale of kitchen units and the design of fitted kitchens constitutes a breach of planning control – Whether the issue of the Notice is reasonable, given the written advice from the Department that planning permission is not required for the use of part of the premises as a kitchen display area	Appeal Dismissed
029/2012	Appeal against Compliance Notice in respect of condition 8 (closure of existing access) of FULL/2011/0835 to remove section of roadside wall to create vehicular access and driveway, erect retaining wall and install pillars and steps to front of 5 Mount Row St. Peter Port	Appeal against refusal of planning permission (PAP/028/2012 and FULL/2011/0835 and FULL/2012/0061 refer) allowed; therefore no grounds for issuing Compliance Notice and so withdrawn by the Environment Department; appeal formally conceded		
040/2012	Appeal against Compliance Notice requiring a pedestrian access created in the boundary wall to a new development at 1 and 2 Les Petites Fontaines, St. Peter Port to be closed and the granite wall rebuilt	Compliance Notice withdrawn by Environment Department		
042/2012 043/2012	Appeal against Compliance Notice requiring the removal of the “Spiegel Tent” from its site at Oatlands Village, Les Gigands, St. Sampson	Rural Area Plan RGEN5 – Character and amenity RGEN10 - Public Enjoyment RGEN11 - Effect on adjoining properties RE13 - Visitor facilities and attractions	Issues considered – Whether the Notice was ultra vires or unreasonable	Appeal Dismissed Compliance Notice Upheld but effective date amended to 14 March 2013

APPENDIX 3 - ANALYSIS OF PLANNING POLICIES

Rural Area Plan Policies

	2012	2011	2010
General			
RGEN1 Sustainable development	--	2	2
RGEN2 Comprehensive development	--	--	--
RGEN3 Landscape, ecology and wildlife	2	--	2
RGEN4 Built heritage	1	2	2
RGEN5 Character and amenity	3	5	13
RGEN6 Design	2	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	4	2	5
RGEN12 Flood risk	1	--	--
RGEN13 Airport safety	--	1	--
Conservation and Enhancement			
RCE1 Protecting open land and avoiding unnecessary development	5	7	6
RCE2 Landscape character	1	2	2
RCE3 Areas of High Landscape Quality	4	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	1	3
RCE11 Buildings of special interest	--	--	--
RCE12 Design and local distinctiveness	1	--	5
RCE13 Demolition of buildings and features	1	2	5
RCE14 Conversion and re-use of buildings	1	4	3
Housing			
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	4	2	4

2012	2011	2010
------	------	------

Rural Economy			
RE1 Agricultural development	1	2	1
RE2 Horticultural development	1	2	--
RE3 Protecting key horticultural sites	--	1	--
RE4 Retail development	--	1	--
RE5 Garden centres	--	--	--
RE6 Coastal kiosks	--	--	--
RE7 Industrial development	2	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	1	--	--
RE15 Minerals	--	--	--
Social, Community and Recreational			
RS1 Community services	--	--	--
RS2 Protecting community facilities	--	--	--
RS3 Indoor recreational facilities	2	--	--
RS4 Outdoor recreational facilities	--	2	2
RS5 Golf course development	--	--	--
Essential Development and Infrastructure			
RD1 Essential development	--	--	--
RD2 Small-scale infrastructure	--	--	--
Other Policies			
Traffic priority routes	6	3	1
BS 5837:2005 Trees in Relation to Construction	--	1	1
BS 3998:1989 Tree Work	--	1	1

Urban Area Plan Policies

	2012	2011	2010
General			
GEN1 Sustainable development	--	--	--
GEN2 Comprehensive development	--	--	--
GEN3 Landscape, ecology and wildlife	--	--	--
GEN4 Built heritage	--	--	--
GEN5 Design	1	4	1
GEN6 Character and amenity	7	7	1
GEN7 Safe and convenient access	--	1	--
GEN8 Roads and infrastructure	5	1	2
GEN9 Safe and convenient access	2	1	--
GEN10 Open space and parking	--	--	--
GEN11 Public enjoyment	--	--	--
GEN12 Effect on adjoining properties	1	1	--
Design and the Built Environment			
DBE1 Design - General	7	7	6
DBE2 Developments with significant townscape impact	--	--	--
DBE3 High buildings	--	--	--
DBE4 Landscape design	--	--	--
DBE5 Open space	--	--	--
DBE6 Skyline and public views	1	--	--
DBE7 New development in Conservation Areas	6	1	5
DBE8 Buildings of special interest	4	1	2
DBE9 Demolition of buildings and features	--	1	--
DBE10 Archaeological remains	--	--	--
Housing			
HO1 Housing provision in the Urban Area Plan	--	1	--
HO2 New housing in Settlement Areas and on previously developed land	--	1	1
HO3 Mixed use development	--	--	--
HO4 Conversion and subdivision of existing buildings - General	2	--	--
HO5 Vacant and underused upper floors	--	--	--
HO6 Obsolete office space	1	--	--
HO7 Flats, houses in multiple occupation, and staff hostels	--	--	--
HO8 Housing Target Areas	--	1	1
HO9 Retention of the existing housing stock	--	--	--
HO10 Residential density and amenity	--	--	--
HO11 Housing for smaller households	--	--	--
HO12 Housing for people with mobility impairment	--	--	--
HO13 Accommodation for the elderly	--	--	--
HO14 Dower units	--	--	--

	2012	2011	2010
Employment			
Office Accommodation			
EMP1 New office developments	--	--	--
EMP2 Small-scale professional and support services	--	--	--
EMP3 Upgrading the office stock	--	--	--
EMP4 Conversion of office sites for alternative uses	1	--	--
Industrial Development			
EMP5 Key Industrial Areas	--	1	--
EMP6 Industrial development outside Key Industrial Areas	--	--	--
EMP7 Small workshops and yards	--	--	--
EMP8 Development of the land reclamation site	--	--	--
EMP9 Protecting industrial sites	1	1	--
EMP10 Unneighbourly uses	--	--	--
EMP11 Home based employment	--	--	--
EMP12 Horticultural development	--	--	--
Tourism			
EMP13 New tourist accommodation	--	--	--
EMP14 Alteration, extension and redevelopment of existing tourist accommodation	--	--	--
EMP15 Rationalisation of visitor accommodation	1	--	--
EMP16 Visitor facilities and attractions	--	--	--
Centres			
CEN1 New shopping facilities in the Central Areas	1	--	--
CEN2 New retail development outside the Central Areas	1	--	--
CEN3 Mixed use development	--	--	--
CEN4 Complementing the retail function	--	--	--
CEN5 Maintaining the variety of shop units	--	--	--
CEN6 Public and commercial car parks	1	--	--
CEN7 Temporary car parks	1	--	--
CEN8 Pedestrians in the Central Areas	--	--	--
CEN9 Town centre management and environmental improvement	--	--	--
CEN10 Paving, street furniture and public art	--	--	--
CEN11 Shopfronts	1	--	--
CEN12 Signs	3	--	--
Social, Community and Recreational			
SCR1 Community services	--	--	1
SCR2 Education facilities	1	--	--
Recreation			
SCR3 Development of existing facilities	--	--	--
SCR4 Increased dual use of facilities	--	--	--
SCR5 The establishment of sports performance centres	--	--	--
SCR6 Indoor leisure facilities	--	--	--
SCR7 Equestrian related development	--	--	--

	2012	2011	2010
Countryside			
CO1 New development outside the Settlement Areas	1	1	--
CO2 Re-use of buildings outside the Settlement Areas	--	1	--
CO3 Landscape character	--	--	--
CO4 Areas of Landscape Value	--	--	--
CO5 Wildlife and nature conservation	--	--	--
CO6 Derelict land in the countryside	--	--	--
Other Policies			
Traffic priority routes	7	2	--
Belgrave Lane Housing Target Area	1	1	--
Leale's Yard Detailed Development Plan	1	--	--

APPENDIX 4 - THE PLANNING PANEL'S GENERAL POLICIES AND PROCEDURES

(a) 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?

(b) 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?

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

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

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

(d) General Procedure for Site Visits

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

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

These site visits will require the attendance of the appellants and/or his representative and the 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.

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

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

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

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

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

This general rule will be modified where retrospective planning permission has been refused and the 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.