

## **Review of Permitted Development 2016**

---

### **Executive Summary**

This report summarises the responses given to the consultation on the Review of Permitted Development 2016.

The Minister for the Environment invited comments on whether planning permission should be required for a range of different types of development, including works to listed buildings and places, livestock shelters and oyster farming, kiosks and bus shelters by public service providers, and other minor development to homes and businesses.

Comments were received from a range of different stakeholders, including 24 who participated in focus group workshops, 7 written responses and 105 comments submitted via the online survey. The responses are summarised in this document.

On the subject of changes to listed building and places, there was generally a mixed response; those that felt strongly we should be preserving and protecting our historical and architectural assets through a managed application process, and those that felt private individuals should be able to do more with their own homes without government interference. On the whole, people recognised that listed buildings and places are important but they want to see more flexibility in how changes to these buildings are handled.

Regarding livestock shelters, stakeholders involved in the focus groups advocated for control to protect the character of the countryside and to restrict creeping development. A majority of survey respondents, however, felt that these shelters were a common sight in rural areas and should be de-regulated. Again, a majority of respondents to the survey agreed that oyster beds within the designated area should be permitted. However the respondents of the focus groups felt strongly that the public should have the opportunity to comment on proposals within tidal land, and thus an application should be made.

On the subject of kiosks and bus shelters, nearly half of focus group stakeholders and survey respondents felt that the public service providers should apply for these types of works. Many people felt that development on behalf of the public, within the public realm, should be controlled through a co-ordinated strategic approach.

There were a number of minor development changes including replacement conservatory roofs, retractable awnings, satellite dishes and security cameras, hardstanding on industrial sites and replacement gutters, which the majority of respondents felt shouldn't require planning permission.

---

**Minister's response:**

The Minister for the Environment is grateful to all those who participated in the focus group workshops and the online survey. The Minister has taken all the comments submitted into account in forming his direction. The Minister will release his direction paper shortly.

---

Supporting documents attached: Map – Designated area for oyster beds in Grouville Bay

### **Background to consultation**

The Minister for the Environment is keen to expand what you can do without planning permission and last year he made changes to the law and de-regulated in certain areas. However, many of the comments made by you in last year's review were put on hold because they were outside the scope of the 2015 review. The Minister now wants to consider those areas you felt were important to review.

The 2016 consultation and review will provide the Minister with valuable information on the areas you feel are too restrictive currently and the types of development you believe should be allowed without applying for planning permission.

### **Background to the consultation process**

The paper "Permitted Development Consultation 2016" was released for public consultation on 03/05/2016. The consultation period closed on 01/07/2016.

### **Stakeholder Focus Groups**

We held 7 focus group workshops for stakeholders. Stakeholders were invited who had previous involvement in last year's review or because they have an interest or represented people with an interest in the planning process.

<b>Date</b>	<b>Attendees</b>
12 May 2016	6 attendees
24 May 2016	6 attendees
26 May 2016	3 attendees
01 June 2016	4 attendees
03 June 2016	5 attendees
<b>Total</b>	<b>24 attendees</b>

The following organisations sent one or more representatives to each session.

- Association of Jersey Architects
- Independent agents, architects and consultant planners
- Constructional Council
- Chamber of Commerce
- Jersey Business
- Société Jersiaise
- National Trust for Jersey
- Jersey Heritage

- States of Jersey Departments including Environment, Health & Social Services, Infrastructure, Community & Constitutional Affairs, Economic Development Tourism Sport & Culture.

### Written responses

People could submit their responses via an online survey or in writing.

105 people responded to the online survey. In addition, 7 written responses were also received, including one from the Parish of St Helier and one from Andium Homes.

### Limits on the consultation process

In reviewing this feedback, it is important to recognise that the consultation was not statistically representative of the whole Island, that a small number of people contributed relative to the population, and that the consultation was an expression of people's views and opinions on whether planning permission should be required.

### **Overview of consultation responses paper**

The consultation summary of responses paper is structured by the type of development scoped for possible change, as per the structure of the consultation paper. Under each of type of development, a summary of the responses will be given, as well as a selection of individual comments to illustrate the views. Where comments are used, they have not been amended unless to correct spelling and punctuation for ease of reading. Comments are only quoted where the individual has agreed. All comments within the responses document have been withheld to ensure that no-one is subjected to negative feedback.

### **Feedback on this consultation**

We value your feedback on how well we consult or seek evidence. If you have any comments on the process of this consultation please contact

[Communications.Unit@gov.je](mailto:Communications.Unit@gov.je)

## Consultation Responses

### 1.1 Replacement windows on Listed Buildings

**Question posed:** Should replacement windows and doors in listed buildings be allowed without applying for planning permission? Questions were asked about whether you should apply for planning permission to change any window in any material, be restricted to only traditional materials, or whether you should only be able to change windows in modern extensions or windows that have already been replaced before. We also asked whether you should be able to change the glazing from single to double without applying for planning permission.

**What you said:** Respondents recognised that historic windows in listed buildings are important but felt that there should be more flexibility in the way that replacement windows are handled. Many stakeholders felt there should be more flexibility in the policy, more guidance with examples of window details, and a faster process. Some stakeholders suggested processes similar to the UK of self-certification or prior notification, whereby control is maintained, but the response is fast and with minimal information to submit. Many heritage stakeholders felt strongly that control should be maintained over replacement windows and doors in listed buildings because they are important elements of a historic building. Planning control would ensure that each window is assessed for the possibility of repair, which should always be the starting point. They also felt that, when windows are replaced, their replacements should be a truly crafted, traditional replication of the original window, and that this can only be negotiated through the application process.

*“We need to preserve what's left of our heritage, too much has already been lost. We've sadly lost that unique Jersey character.”*

*“Buildings listed because of intrinsic architectural merit or as a classic example of historic traditional Jersey architecture can so easily lose the essential qualities of the facade by unsympathetic change of windows and doors which is why I think this aspect will always need protection.”*

Respondents to the survey answered in favour of relaxing control around replacement windows and doors, but 72% felt that some standards should be in place regarding the replacements. For example, 71% of people who thought control

could be relaxed also felt that replacements should be in traditional materials and design. This accords with the 76% of respondents felt you should have to apply to replace windows in any material. This indicates that people do care that the type of replacement window in a listed building should be in a traditional style.

*“If some relaxations are given for replacements, a requirement for traditional material would not be seen as overly restrictive and should encourage homeowners to invest in their properties.”*

*“In my opinion the only relevant element of preservation is the visual appearance.”*

*“An owner of a listed building should be allowed to replace any historic timber single-glazed windows with brand new timber windows (in a similar style to the original windows) and allowed to include double-glazing in the new window frames. As long as the new replacement windows are of a similar style to the originals then I don't see an issue with this.”*

Of those respondents whom supported some relaxation of control, 85% felt that replacement windows in modern extensions could be supported, and 77% felt that windows that have already been replaced could be replaced again without planning permission. This indicates that respondents favoured relaxation of elements that were not of historic interest, but only 26% felt that original windows should be replaced without planning permission.

*“Windows at the rear of properties should be able to be replaced with any window, plastic or otherwise, when it is not exposed to a public facing road.”*

Many respondents to the survey and focus group stakeholders consider that the requirement for a replicated replacement window in single glazing conflicts with the States of Jersey Energy Plan and current Bye-Laws, which are focused on improving the energy efficiency of buildings. 89% of survey respondents answered that double or triple glazing should be permitted in replacement windows.

*“For the planning process to be in-line with the objectives of the Strategic Plan - in particular those relating to the Energy Policy - it's imperative that listed buildings should be allowed to change windows and doors to double glazing.”*

*“Double glazing should be permitted – it increases energy efficiency and keeps homes free from damp and mould (contributors of respiratory disease)”*

*“Replacement windows should definitely be double or triple glazed regardless of whether it is a listed building or not.”*

Some respondents argued for full de-regulation and felt that the government should not interfere with private property rights.

*“Owners should be allowed to use whatever types of window and glazing they wish. It is their building, not the States and the owners should be allowed to decide.”*

## 1.2 Replacement roof coverings

**Question posed:** Should replacement roof coverings to listed buildings be allowed without applying for planning permission? Questions were asked about whether you should apply for planning permission to replace the roof covering in any material, be restricted to replacements of a traditional material or a like for like change. Questions were also asked, if roof coverings were permitted, whether increasing the height of the roof by 15cm should also be permitted without applying for planning permission.

**What you said:** The majority of survey respondents (74%) and focus group stakeholders considered that a like for like replacement of roof coverings should be permitted without applying for planning permission. Some felt that this should be restricted to 25%-50% replacement without planning permission, but an application would be needed to replace 100% of the roof.

*“It's a delicate balance between protecting the historical character of a building and protecting the interior from damage and the residents from temperature extremes.”*

*“...man has always used the best materials available. A house needs a roof. It therefore makes the most sense to use the best materials available so as to protect the house from damp etc and to protect the health of the inhabitants.”*

Comments were also received regarding the potential for original roofs to house protected animals such as bats. Replacing roof coverings and structures without planning permission could lead to the disturbance to habitats and have a negative impact on protected species.

*“Roofs of older listed buildings are more likely to house protected wild animals such as bats. Changing roof structures, materials or indeed adding insulation behind tiles where there was none previously can all negatively affect these species. This is not only the case for listed buildings, it can apply to non-listed buildings also. Permitted development can cause people to come into conflict with the Conservation of Wildlife (Jersey) Law 2000, with people disturbing or destroying roosts. Guidance in the Bats, buildings and the law (planning advice note) produced by the States of Jersey is unlike to be enough to fully protect these species as roosts are temporal and builders and home owners may destroy important roosts without being aware of doing so.”*

Survey respondents answered favourably (75%) to allowing a height increase without applying for planning permission to provide for modern insulation.

*“The ability to insulate should always be given if the building retains its character.”*

*“...we need to remember the age we are living in. Insulation should be permitted and 15cms is not much. I doubt than anyone would even notice.”*

Some focus group stakeholders felt, however, that the roof is an important original material and an application should be required to agree its replacement. It was pointed out that there are other options to standard roof insulation, for example a ‘cold roof’ where the ceiling board is insulated and not the roof structure. These types of options could be detailed in further guidance to be given to home owners on the options available.

*“A “like for like” change won’t necessarily replicate the level of detail required.”*

There are possible structural issues with allowing replacement roof coverings as well, as outlined by a stakeholder focus group:

*“You need to be careful because you would still need building permission and lots of people simply wouldn’t apply. When replacing the roof on a listed property then the structure would need to be looked at. The new material could be heavier than previous and the structure would need to be able to take that weight.”*

Again, some respondents advocated for full de-regulation.

*“We should not have such restrictions as it is becoming a nanny state.”*



### 1.3 Repair and maintenance

**Question posed:** Should all repairs to listed buildings be allowed without applying for planning permission? Questions were asked about whether you should apply for planning permission to repair listed buildings in new or different material, or whether it should be restricted to like for like materials, or revert to traditional materials. Questions were asked whether only replacing modern materials with traditional materials should be considered repair without planning permission.

**What you said:** Again, stakeholders and survey respondents recognised the value in historic buildings, in that repair is important for maintaining listed buildings for future generations.

*“Small repairs can become major if not tackled quickly enough so restrictions should be relaxed for the benefit of everyone.”*

However there was some disagreement over the extent of repair without applying for planning permission. Some stakeholders felt that to ‘repair’ is to patch defects and should not involve any replacement of materials. Others felt that replacement of material could be permitted as repair, provided that it does not negatively affect the character of the listed building.

*“...replacement for repair with little change to the external appearance should be permitted.”*

*“Repair in different material should require permission as the character of the building could be spoilt.”*

A significant majority of survey respondents (91%) answered that all types of repair should be permitted without applying for planning permission. Those survey respondents whom agreed repair should include replacement were also of the opinion that any element of replacement should be either like for like (85%) or in a traditional material (81%). This consideration was principally to ensure that the historic interest of the building was not harmed, or to achieve an improvement.

*“Agree that full repair should be permitted but with like for like materials / should not materially change the aesthetics.”*

*“Anything that encourages the reversion to better quality or traditional materials should be supported.”*

*“If a building already has plastic guttering, the cost of replacing with more expensive, traditional materials should not be forced onto the owners. However, should the owner wish to undertake this at their own expense, they should be permitted to do so.”*

There were also comments for full de-regulation, and for requiring planning permission for the protection of bat roost access point and habitats of protected species. Those that answered for planning permission to be required also advocated for a faster planning process with more flexibility in policy.

#### 1.4 Painting

**Question posed:** Should the painting of any un-painted walls and surfaces on listed buildings be allowed without applying for planning permission? This question focused principally on whether the painting of un-painted cement render of listed buildings should be permitted without applying for planning permission.

**What you said:** Responses were split over this matter. Some respondents felt strongly that un-painted cement render is a historic and architectural feature that should be protected, but it was recognised that this is dependent on the setting - context is important.

*“Non-painted render finishes are integral to the character of some buildings and an application should be required to paint - allowing painting without applying may result in the unwelcome painting of church steeples.”*

*“Unpainted render is an architectural feature in itself and consideration should be given to whether painting would harm the historic character of the building.”*

Another argument that was raised for the need to apply for planning permission to paint un-painted rendered surfaces focussed on the type of paint to be used.

*“Planning permission should be required because some paints can damage the render, e.g. using emulsions on a lime plaster wall.”*

Other stakeholders felt that you should be able to paint un-painted render surfaces but not other types of un-painted surfaces. 74% of survey respondents answered positively to permitting the painting of un-rendered surfaces, and 68% answered that it should apply to render, rather than granite or stone.

*“Most people wouldn’t dream of painting over granite!”*

*“The grey Victorian cement based render should be permitted to be painted.”*

*“The restriction on not painting rendered listed buildings is ludicrous. Painting not only can improve the buildings appearance aesthetically but can help prevent water ingress. I’ve seen people growing plants over their building as they are not allowed to paint which can cause far more harm to the render.”*

## 2.1 Detached structures in the garden of houses and flats

**Question posed:** Should temporary detached household structures such as sheds, stores, oil tanks, greenhouses, children’s playhouses be allowed within the garden or yard listed buildings be allowed without applying for planning permission? Questions were posed whether temporary detached structures should be permitted anywhere on the property or restricted to the rear. Also asked was whether the structures should be permitted up to the current allowances of 30 square metres or should it be restricted to another size?

**What you said:** There were mixed views about temporary detached structures, principally around the setting of a listed building. The concern from some stakeholders was if structures were placed directly up against a listed building, it could have a negative impact on the setting of that building, albeit not harm the fabric of the building. This is particularly important on smaller properties, but may be less important when considered a large site. Some stakeholders suggested a defined setback to the listed building be imposed to counter the negative impacts of poorly placed temporary structures.

*“Detached structures could affect the character and setting of a protected building.”*

*“Maybe impose a setback distance to the listed building?”*

For most stakeholders, the temporary and detached nature of the structure was important. Most people recognised that to build an attached extension to a listed building should require planning permission.

*“Additional structures should not compromise the aesthetic appearance of listed buildings.”*

*“For temporary structures there should be no problem. This does not affect the building in any way. The front of buildings should be considered though for aesthetic reasons.”*

However some felt that temporary structures should require planning permission.

*“A temporary (i.e. non purpose built) structure may remain on site in perpetuity and therefore needs to be controlled accordingly.”*

The majority of survey respondents were in favour of relaxing controls around temporary and detached structures. 74% of respondents agreed that household structures should be permitted without an application. Views were split on whether this should be permitted anywhere on the property (43%) or to the rear only (45%). However 77% felt that the current size limitations of 30 square metres was acceptable.

*“If the public cannot see and the temporary structure does not hide important vistas permission should not be needed.”*

*“The permitted size for temporary detached household structures should be somehow proportional to the main building's size. A 30m2 shed looks immense next to Le Rat, but insignificant (and useless) next to St Ouen's Manor.”*

Comments were also received suggesting full de-regulation:

*“People should have the right to do what they like within their own property boundaries. Other properties nearby have already done so before being listed therefore the area has generally seen modernization. It's unfair.”*

*“The freedom to not having to make an application will reduce the cost of the build.”*

## 2.2 Fences, gates and walls in the garden of houses and flats

**Question posed:** Should fences, walls, gates and other means of enclosure be allowed within the garden or yard of listed buildings without applying for planning permission? Questions were posed whether fences, walls and gates should be permitted anywhere on the property or restricted to the rear, and whether they should be restricted to natural materials. Also asked was whether the structures should be permitted up to the current allowances of up to 2 metres in height or whether it should be restricted to another size.

**What you said:** An overwhelming majority of stakeholders and survey respondents felt that there could be some de-regulation in the areas of fences, walls and gates and other enclosures. Stakeholders were in favour of permitting fences and gates in timber material to the rear only. There was concern over the permanent nature of walls and that these should require planning permission. Some stakeholders went further and suggested that only replacement fences of those previously approved by Planning should be permitted.

*“If attached to a listed building, the impact could be significant.”*

*“Replacement fences may be acceptable where the fence has prior approval.”*

*“Main concern is hedges to fences. Replacements fences should be permitted on a like for like basis.”*

However the majority of survey respondents (92%) agreed that fences, walls and gates should be permitted. 31% felt that there should be no restrictions on these types of structures.

*“People should have the right to protect their property as they see fit and construction outside should be their own affair.”*

*“Why is it so difficult for people to improve their properties and make it safer for their children and animals? Again, this is an utterly ridiculous requirement, and adds an extra and unnecessary layer of cost to property owners.”*

*“There should be no permission [needed] as it is on private property and up to the owners as to what height fences, gates and walls should be.”*

60% of survey respondents felt that some restrictions should apply, such as to the rear only and in a natural material.

*“Any change of fence, gate and wall that is not like for like, should need to be applied for. Different restrictions possibly needed for walls, as they are permanent and require substantial ground works.”*

*“Some freedom needs to be allowed for privacy and enjoyment but requiring a degree of finish is also necessary, for example render on breeze blocks, pointing on bricks, dark plastic coating on wire.”*

*“Fences / walls should not compromise the aesthetic appearance of listed buildings.”*

### 2.3 Driveways, car parks and other garden surface treatments for houses and flats

**Question posed:** Should changing the level of the ground and surface material be allowed within the garden or yard of listed buildings without applying for planning permission? Questions were posed whether surface treatments should be permitted anywhere on the property or restricted to the rear.

**What you said:** Again, there was some concern over the impact on the setting of a listed building. Stakeholders were concerned over the impact of creating or expanding driveways and car parking areas, or the use of tarmac and concrete, in front of listed buildings and the impact cars would have on the setting. The stakeholders also recognised that there are many listed buildings with historic railings and formal gardens, which should be protected.

*“Hard surfaced areas are more permanent and non-permeable, and have potential for more significant impact.”*

*“Minor landscaping works, raised beds, garden steps, patios and the like should be permitted.”*

*“Small walls and cobbled areas should be left the same.”*

However 87% of survey respondents agreed that some de-regulation of surface treatments and ground level change should occur. 52% felt that there should be no

restrictions and should be permitted anywhere on the property, whilst 35% felt that surface treatments should be restricted to the rear.

*"I don't think I have ever looked at a pathway and thought it looked awful."*

*"How could levelling out a garden, for example, potentially "damage" the character of a listed building? Unless the garden itself is protected, people should be allowed to do what they like with the level of the ground and the surface material etc."*

Comments were received regarding the requirement for surface water run-off from any hard surfaces should be retained on site and not discharge onto the highway or adjacent property and concern over changing levels at an access.

### 3.1 Satellite dishes, antenna and security cameras

**Question posed:** Should satellite dishes, antenna and security cameras be allowed on or within the garden of listed buildings without applying for planning permission? Questions were posed whether this equipment should be permitted to be attached to the rear or within the garden only, and whether they should be permitted up to the current size (60cm diameter for dishes) or another size restriction should be enforced?

**What you said:** Most respondents felt that this type of equipment is temporary and would not have a lasting impact on a listed building. Some commented that this type of equipment will soon be redundant with new technologies emerging. Others felt that whilst the equipment may be temporary, the fixing of the equipment to the listed building, if not done properly, could damage the historic fabric.

*"Attachment should be limited to what causes least damage to historic features."*

*"Satellite dishes should require sensitivity to the property's features."*

However 80% of survey respondents answered in favour of allowing this type of equipment attached to the rear up to the current size restrictions.

*"Again, we are living in a modern world. We need to protect but not to the point where it becomes prohibitive to lead a modern lifestyle."*

*“Satellite dishes and antennas are common sights. You cannot expect people who live in listed buildings to live without modern conveniences!.... Why penalise people for a) wanting to watch TV and b) trying to be safe?”*

### 3.2 Solar panels and Ground and Air Source Heat Pumps

**Question posed:** Should solar panels and ground and air source heat pumps be allowed on or within the garden of listed buildings equipment should be permitted to be attached to the rear or within the garden only, and whether they should be permitted up to the current size (90% of roof covering for solar panels or 9 square metres in the garden) or another size restriction should be enforced?

**What you said:** There were differing responses between solar panels and ground/air source heat pumps. However many responses linked permitting this type of development with the principle of encouraging renewable energy.

*“We are supposed to be encouraging sustainable renewable energy usage.”*

*“Again, we have to move with the times and encourage the creation of renewable energy, especially at the individual level.”*

*“We should welcome all sources of clean, renewable energy.”*

*“Why should Listed Buildings be at a disadvantage?”*

Respondents felt that placing ground and air source heat pumps in the garden or yard of listed buildings should be permitted provided that it didn't breach the historic fabric of the building.

*“Heat pumps include extraction fans, vents, pipework - these will breach historic fabric. Where the air source or ground source heat pumps breach historic fabric they should be controlled.”*

Respondents had a different opinion on solar panels. Some respondents felt that solar panels were visually intrusive and should not be allowed on the front elevations. Respondents also pointed out that a large portion of listed buildings face south and thus restricting the front elevation would not give enough of an allowances for solar panels.

*“Solar panels are very obtrusive even on non-listed buildings and don't work.”*

*“The majority of traditional buildings face south and therefore... most solar panels will need to be sited on the front elevation. These additions can be extremely visually intrusive and owners must therefore be required, by submitting a formal application, to demonstrate*



*that the special character of their listed buildings will not be spoilt by solar panels etc. If they cannot then [the] application should be rejected."*

Overall, survey respondents were in favour of permitting solar panels and ground / air source heat pumps. 80% agreed that they should be permitted, and 71% felt that they should be restricted to the rear.

Comments were also received about the potential to disturb bats roosts by altering the roof of listed buildings.

*"Anything in relation to the roof should take into consideration possible bat roosts. An ecological survey should be done on any roof with possible bat roosts before installing solar panels. Solar panels in situ in an open space should be unrestricted - only roof panels should need a survey."*

### 3.3 Sewer, pipe and cable works

**Question posed:** Should new or replacement sewers, mains, pipes, cables and other minor underground engineering works be allowed on land within a Listed Building site without applying for planning permission provided that the land is returned to its former state after the work is complete?

**What you said:** The majority of stakeholders and survey respondents felt that these underground works should not require an application for planning permission. Again comments were made that when these works affect the listed building, or when ground breaking works affect a site of archaeological potential, then planning permission should be sought.

*"If accommodating such works would require some structural alteration to the actual listed building, then Planning permission should be sought."*

*"Should be permitted provided that the historic integrity of the building is unaffected."*

However some respondents felt quite strongly that this should not be controlled by Planning. 85% of survey respondents answered positively for these works to be permitted.

*"Are there any serious alternatives? Is a permission ever going to be denied to fix a sewer pipe or connect to water mains?"*

A comment was also received regarding protecting root zones of trees when excavating.

#### 4.1 Demolition of temporary buildings and other structures

**Question posed:** Should demolition of temporary buildings or any structure that you can normally build without planning permission, such as sheds, stores, fences, be allowed without applying for planning permission if the land is a Listed Building or Place? Also, should the demolition of temporary staff accommodation, such as seasonal workers' portacabins, be allowed without applying for planning permission if the land is a listed building or place?

**What you said:** Whilst the principle of being able to demolish what you can construct under permitted development was generally supported, it was recognised that there may be small historic structures within the gardens of listed buildings that should be assessed as part of an application. Stakeholders felt that demolition could be permitted for structures built within the last 30 years or post 2007, for example.

*"I wouldn't want to see some German structures being removed such as pumps and metal structures."*

88% of survey respondents answered favourably to permitting demolition of temporary structures in the garden without planning permission. However many individual comments also agreed with the stakeholders that this should not extend to some historic structures that are found in gardens.

*"Sheds may be of historic age and could be treated in the same way as the main building."*

*"Provided that the structure is not of historic interest and/or less than five years old."*

There were a few comments also regarding the need to apply for permission to ensure that the demolition does not disturb bat roosts.

*"Temporary buildings may be used by protected species such as bats or swallows and therefore the demolition could be a breach of the wildlife law, therefore permission should be sought to ensure that the Department of the Environment has the opportunity to assess the likelihood of presence of protected species on site."*

*"Any modern building normally does not house bats and could be demolished without special permission. But any building old enough to house bats should need a survey before demolishing."*

The majority of stakeholders and survey respondents (87%) also agreed that the demolition of temporary staff accommodation such as seasonal workers portacabins should be permitted without applying for planning permission.

#### 4.2 Fences on agricultural land

**Question posed:** Should agricultural fences on agricultural land that is part of a listed building be allowed without applying for planning permission?

**What you said:** All stakeholders and the majority of survey respondents (90%) agreed that agricultural fences should be permitted. There were a few comments raised regarding the need for fences to be truly for agricultural need and not for any other purpose.

#### 4.3 Work and equipment for Public Service Providers

**Question posed:** Should public service providers apply for planning permission for work and equipment required for the function of the authority on any land that is part of a listed building or place? Public Service Providers include public authorities (such as Department for Infrastructure and Parishes) and statutory corporations established for a public purpose (such as Jersey Water, Jersey Gas, Jersey Electricity).

**What you said:** Responses were split regarding whether public service providers should apply for planning permission before they undertake works in public places that are also listed buildings and places. There was a strong feeling that work in public places, which affects the public's movement and access, should be applied for so that the public have the opportunity to comment on the proposals.

*"Where public money is being spent, people should have the opportunity to object. Further, States' departments do not always use money in the best way - just look at the mess that has been made of St Mary's. It is more dangerous than ever."*

In addition, respondents wanted to see a co-ordinated approach to works in public areas with control over the quality of products used. 33% of respondents felt that public service providers should apply for all works in public areas, and 30% felt that some relaxation could be given, but with conditions. Only 37% of survey respondents felt that public service providers should be given full authority to undertake work in public areas.

*"Public services and parishes use cheapest products and should have the strictest level of control in regard to Listed buildings and places - needs a comprehensive co-ordinated scheme."*

*“Parish schemes have been dreadful to date, destroying character, etc. That was with permission required. I would want to see more control, not less.”*

*“Do not trust public service providers to be sympathetic to such Places and therefore there should be a degree of oversight.”*

#### 4.4 Additional plant or machinery for industrial Listed Buildings

**Question posed:** Should additional or replacement plant or machinery on industrial land that is part of a listed buildings without applying for planning permission? Questions were asked about whether machinery should be permitted anywhere on the property or restricted to the rear only.

**What you said:** Although there are not many instances of listed buildings in industrial use in Jersey, the principle of permitting new or replacement machinery was generally supported. Many stakeholders and some survey respondents felt that new machinery should be applied for because of the potential for increased noise nuisance, but replacement machinery could be permitted without applying for planning permission.

*“Additional plant or machinery should always require planning permission. Replacement with like for like or smaller should be allowed without permission.”*

*“Replacement, if in the same footprint, should be allowed in all cases. Again, replacement is the current way to fix things. New machinery should require permission if visible from the road.”*

Overall, 88% of survey respondents agreed that new and replacement machinery should be permitted and 60% felt that it should be restricted to the rear only.

#### 5.1 Livestock Shelters

**Question posed:** Should livestock shelters be allowed without applying for planning permission? Questions were posed as to whether livestock shelters should include all types of animals, or whether horse stables should have to apply for planning permission. If horse stables were permitted without applying for planning permission, questions were asked about whether these shelters should be allowed anywhere or restricted to the corners of fields, be permitted at the same size as allowed currently, and whether you should apply for either private stables or commercial stables or both.

**What you said:** Responses were mixed on the subject of livestock shelters. Stakeholders agreed that controls should be in place for stables as the increasing number of stables in rural areas is negatively affecting the openness and character of the countryside. Stakeholders commented that the impact of stables is not just the structure itself, but the associated storage alongside the stables, parking of horse boxes and cars, and access arrangements. Some stakeholders felt that stables should be applied for, and others suggested conditions be applied such as the need to remove when redundant, maintain a certain distance from residential properties, and controlling structures that could block visibility at access points.

*“These can be large and intrusive structures - where needed, permission should be requested.”*

*“Too many shelters and noticeable fences are now taking precedence in our fields. Thus destroying the natural rural feel that our country lanes once had.”*

*“There is concern that the number of horses in Jersey are having an adverse effect on the visual character of Jersey through the impact horse related structures and equipment (horse shelters, boundary features (fencing and tape), jumps) being erected/placed in the countryside.”*

Some stakeholders and 63% of survey respondents felt that livestock shelters were a matter of animal welfare and that there should be no distinction between horses and any other animal.

*“This is an animal welfare issue.”*

*“The existing freedoms don't seem to pose a problem as they are but there is an important secondary issue of animal welfare that needs to be mixed in.”*

*“I object to any discrimination in livestock housing to be implemented to the detriment of the keeper of that animal. Having to ask for Planning permission for a field shelter for horses and not for any other animal is discriminatory and unfair.”*

Some felt that the intention of livestock shelters was to benefit agriculture and that private horse stables are essentially for a pet, which should be applied for.

*“We should be protecting agricultural fields for agriculture.”*

*“Farming is calves, pigs, chickens. Horses are for leisure and not used on farms anymore. The stables are in the middle of fields and are substantial.”*

*“We're seeing more 'horsiculture' and less agriculture. It's difficult to see horses as agricultural animals in this time.”*

*“Horse shelters should apply, they are effectively domestic pets and should apply like anyone else.”*

Others felt that hobby farmers and private horse stables add to the character of the countryside and are features that you would expect to see in rural areas.

*"I like to see the hobby farms around though. Field farm is a new farm and it is immaculate. There are sheep everywhere. Very nice to see them in fields."*

Many respondents felt that the current restriction on the position of shelters forced shelters into the middle of fields which adds to their visibility. 46% of survey respondents felt that livestock shelters should be restricted to within 15 metres of the boundaries of the field.

*"Restrictions should be in place to the corners of the fields."*

## 5.2 Oyster Farming

**Question posed:** Should the installation of oyster beds within a designated farming area of Grouville Bay (map attached) be allowed without applying for planning permission? Questions were asked as to whether oyster beds should be permitted up to the current heights of 1.5 metres. If oyster beds were permitted without applying for planning permission, you would still need to apply for a sea fisheries licence.

**What you said:** The concern raised by the stakeholders is that whilst planning matters could be covered by a sea fisheries licence, the licence process does not allow for public comment. All stakeholder groups expressed concern that the public would not be able to comment on the placement of individual proposals for oyster beds. Some survey respondents also raised issues about maintaining key navigational routes from La Rocque harbour and noise from vehicles on the beach.

*"There are more vehicles on the beach now and should require a licence. Sea fisheries licence should be monitored. Main disadvantage is that the public could not comment if no planning permission required."*

*"Possible navigational issue - this could close off the traditional sailing route with no public comment."*

The survey respondents had mixed views, with 39% agreeing that oyster beds in the designated area should be permitted, 30% agreeing that they should be permitted but with conditions and limitations, and 32% considering that an application for planning permission should be required.

There was strong support for this industry from both the stakeholder groups and the survey respondents:

*“The oyster companies never ask the government for any money, they are a quickly expanding industry picking up exports into Dubai, Switzerland and China. They have a massive export potential. More self-regularising and self-auditing. All the companies have an accreditation which means that standards are high.”*

*“As a growing export industry then we should be supporting it. Also there are no bi-products. Should support this industry because it is a highly profitable and efficient industry.”*

*“It is great to encourage successful enterprises but the current area of oyster farms already restricts leisure access and presents a hazard to small craft navigation.”*

*“Really keen to see this industry develop and grow, indeed all sea food industries compatible with RAMSAR designation.”*

## 6.1 Kiosks by Public Service Providers

**Question posed:** Should public service providers be allowed any type of non-food kiosk without applying for planning permission? This includes information kiosks, ticketing booths, check points. Questions were asked if kiosks should be allowed in any size or whether they should be restricted.

**What you said:** Questions were raised over the definition of kiosk and what that definition could include. Stakeholders suggested it could be interpreted to mean a lottery kiosk in the high street, tourist kiosks at Liberation Square, a ferry ticketing check point at the ferry terminal, a temporary kiosk for an event such as Battle of Flowers, an electric vehicle charging point at Durrell, a gas compressor kit at the General hospital, or an electricity pillar against a granite wall in the countryside. All stakeholders agreed that the definition should be confirmed so that there is no confusion over what type of kiosk is permitted.

*“Kiosks should require a formal planning application as it’s too difficult to define a kiosk.”*

Only one stakeholder group felt that kiosks should be permitted. All other stakeholders agreed that an application should be made for works in public areas.

*“They may seem inconsequential but they can have a profound impact.”*

*“There should be a public realm co-ordinated approach which can add value to the environment.”*

Respondents to the survey had mixed views. 33% felt that kiosks should be permitted in full, 31% felt that some restrictions and limitations should apply, and 35% considered it necessary to apply for planning permission.



*“Less red tape is always welcome but there should obviously be some time and size constraints to any temporary structures.”*

*“I would hate to see kiosks popping up everywhere but temporary kiosks to cover an event such as the Battle of Flowers, Jersey Live, etc should be permitted.”*

## 6.2 Bus Shelters by Public Service Providers

**Question posed:** Should public service providers be allowed any type of bus shelter without applying for planning permission? Questions were asked if bus shelters should be allowed in any size or whether they should be restricted.

**What you said:** The response to bus shelters echoed that of other types of development in public spaces, in that, the public want the opportunity to comment on those proposals. Stakeholders again confirmed that works to public areas should have a co-ordinated approach.

*“[Bus shelters] should require permission so that the public can comment for example the ports are listed and in the public realm.”*

*“The inappropriate design, form and proliferation of bus shelters causes harm and therefore needs to be controlled.”*

Nearly half of survey respondents (46%) felt that bus shelters should require planning permission.

*“An Island wide design guide should be established for all street furniture and not left to Parish authorities so that a coherent design language applies to all such structures in the public realm. The current state is leading to some nasty intrusions in the rural areas.”*

*“Bus shelters are a welcome comfort, but they are also very visible. Some sort of supervision is necessary. It could, of course, take the form of a single type/design/size approval.”*

*“These are directly on roads and have big impact on look and feel these should require planning.”*

Comments were also received from stakeholders and survey respondents that bus shelters should conform to a specific design with a view to crime reduction.

## 6.3 Private Roads

**Question posed:** Should people who own private roads be allowed to maintain their roads without planning permission as the Parishes and States of Jersey have to maintain public roads?



**What you said:** Most survey respondents (91%) felt that private individuals should have the same rights to maintain their private road without having to apply for planning permission.

*“Why would the States want to interfere with private maintenance?”*

*“If people wish to maintain private roads, why on earth would you make it more difficult for them by insisting on an application?”*

However individual comments received and the stakeholders commented that permitted works should be to maintain (repair pot holes and re-surface) the road only, and any above-ground structures should require an application to be made so that people who live in the area can comment.

*“If it really is just maintaining what is already there, then it should be permitted but any changes should need permission.”*

*“Repairs and retarmacs to be permitted.”*

*“Re-surfacing, barriers and in-filling potholes like for like should be permitted. Anything additional should require permission.”*

## 7.1 Satellite Dishes

**Question posed:** Should satellite dishes be allowed on any non-listed building for any purpose without applying for planning permission? Questions were asked whether the current size restrictions should remain or should be changed.

**What you said:** Satellite dishes are considered a common sight. 92% of survey respondents and most stakeholders felt that satellite dishes should be permitted without an application.

Comments were made that this technology will soon be outdated as more entertainment is streamed from the internet.

*“They are a dying breed; they should disappear on their own within a few years.”*

*“Surely this is not an issue any more?”*

Some people felt that too many dishes can negatively impact on an area and suggested that dishes should be restricted to one dish per building, ensuring that building occupants shared a common dish.

*“Should be restricted to some size and restrict multiples.”*

*“Number of satellites should perhaps be controlled.”*

## 7.2 Security Cameras

**Question posed:** Should security cameras be allowed on any non-listed building for any purpose without applying for planning permission? Questions were asked whether there should be a restriction on the field of vision so that it did not extend to other people's private property, and whether private individuals should be allowed security cameras as well as public bodies.

**What you said:** The majority of stakeholders and survey respondents (88%) agreed that installing security cameras should be permitted without applying for planning permission, and 70% felt that this should apply to everyone (private and public). All stakeholders and 77% of survey respondents felt that the condition restricting the field of visions of the camera should be enforced.

*"Provided cameras can only observe the property to which they are attached and not any neighbouring land or public realm such as roads, people should be free to install them as they wish."*

*"If the equipment is likely to be detrimental to the privacy of a neighbour then permission should be sought."*

## 7.3 Rainwater Goods

**Question posed:** Should rainwater goods such as gutters and downpipes be allowed on any non-listed building for any purpose without applying for planning permission? Questions were asked whether rainwater goods should be allowed in any material or restricted to like for like replacements. Also questions were asked whether verges and fascia boards should also be permitted without an application and if they could also be replaced in any material or restricted to a like for like material.

**What you said:** An overwhelming majority of survey respondents (95%) and all stakeholders agreed that the replacement of rainwater goods, verges and fascia boards should be permitted. Nearly 70% also agreed that the replacements could be in any material, with 25% considering it appropriate to require a like for like material.

*"The important thing is that the maintenance is being carried out."*

*"For economical reasons, use the most suitable material."*

Comments were received regarding the impact that changes to fascia boards and verges could have on protected species, including swallows. These impacts could

be harmful to protected species and their habitats and so planning permission should be required.

*“Fascia boards can provide roosting opportunities for bats and birds and therefore the removal and replacement of fascia boards could destroy a bat roost or bird nesting site, therefore permission should be required in order to ensure that the wildlife law is not inadvertently broken.”*

#### 7.4 Replacement Conservatory Roofs

**Question posed:** Should replacement conservatory roofs be allowed on any non-listed building without applying for planning permission? Questions were asked whether this allowance should apply to conservatories anywhere on the property, or just to the rear, and whether the replacement roof coverings should be allowed in any material.

**What you said:** Most stakeholders identified that replacing conservatory roofs without planning permission may contradict with the need for building bye-law consent. Whilst all the stakeholder groups agreed that replacing conservatory roofs to the rear in any material shouldn't require an application for planning permission, they were concerned that people may not understand building bye-law consent may not be granted, if the required thermal values have not been met.

*“There are technical issues with replacements as structure is not robust, the weight of materials used etc. Building Bye-Laws define a conservatory differently - need a consistent approach between [sections].”*

*“If you change a conservatory roof without permission and try to gain bye-law approval you won't get it. This is passing the buck to Building Control...”*

*“Subject to Building Regulations to ensure structure is strong enough for the new roof.”*

However 84% of survey respondents answered favourably to relaxing regulation for replacement conservatory roofs, with nearly 70% agreeing replacement roofs should be permitted anywhere on the property and in any material.

#### 7.5 Retractable Awnings

**Question posed:** Should retractable awnings be allowed on any non-listed building without applying for planning permission? Questions were asked whether retractable awnings should be permitted anywhere on the property, or only to the rear. Also posed were questions on whether retractable awnings should be permitted for house and flats, retail and commercial, or educational and child care properties.

**What you said:** In general, stakeholders and survey respondents (93%) felt that retractable awnings should be permitted without applying for planning permission, with 64% of survey respondents agreeing that they should be allowed anywhere on the property.

For houses and flats, a majority (81%) agreed that awnings should be permitted to the rear of houses without planning permission. Stakeholders however had concerns about permitting awnings to the front elevations of flats and they have a much greater impact on neighbours and the overall appearance of the property.

*“The awnings must not interfere with the amenities of adjacent properties.”*

*“Always providing no nuisance caused to neighbours.”*

For retail and commercial properties, stakeholders identified issues with awnings projecting over the highway, obstructing police CCTV, being used as additional advertising, and extending al fresco areas. Most stakeholders agreed that awnings for retail and commercial should require planning permission. 64% of survey respondents felt that retail and commercial should require planning permission.

*“Provided awnings do not extend over public realm there is no problem with them.”*

*“OK where the awning only extends over private property, permission needed if it extends over public property.”*

For educational and child care properties, stakeholders and 80% identified that awnings would generally be within the boundaries of the site, would not impact on neighbours or the street, and thus concluded should be permitted without an application.

*“Sun screening will increase as a health issue and such shade structures are important.”*

## 7.6 Hardstanding on Industrial Sites

**Question posed:** Should hardstanding on industrial sites be allowed on any non-listed building without applying for planning permission? Questions were asked whether hardstanding on industrial sites should be permitted anywhere on the property or should it be restricted to the rear?

**What you said:** The general consensus from stakeholder groups and 76% of survey respondents is that hardstanding should be permitted but there should be a condition

limiting surface water run-off to be retained on site. Many comments were received regarding permeable paving and other water run-off reducing options.

*“Potential for surface water run-off, issue with too much impermeable hard surfaces. There are other ways of covering surfaces such as hoggin or permeable paving.”*

*“Encourage the use of permeable paving and the harvesting of rainwater.”*

*“As long as suitable measures allowed for permeability so that the hardstanding does not create water run off problems.”*

*“The real issue in this case is of water drainage. When there is a chance that, according to the size of the project and the ground it replaces, the drainage will change, it needs to be supervised.”*

24% of survey respondents felt that planning permission should be required for additional hardstanding on industrial sites. Comments made were in relation to this possibly being abused as an extension to the commercial site, loss of natural land to concrete and the permanent nature of hardstanding.

*“Great caution required as this is another way for businesses to “accidentally” extend out into areas they should not be using such as fields and landscaped areas.”*

*“There is too much concrete in Jersey.”*

## **Conclusion**

The consultation can be separated into two categories, listed buildings and non-listed buildings.

For listed buildings, the general response was mixed: those advocating for protection, those advocating for de-regulation, and a majority who want greater relaxation than exists currently, but recognising some control is needed because of the importance of the Island’s listed buildings and places.

For non-listed buildings, respondents felt strongly that structures in public areas or that are visible should be controlled (bus shelters, kiosks, livestock shelters). Respondents felt that for those structures that cannot be seen or on private land should be permitted (satellite dishes, security cameras, awnings, roof materials, hardstanding).