

## Ministerial Direction paper for Non-Listed Buildings

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### Executive Summary

This paper outlines the Minister's decision on changes he would like to make to the current legislation on what you can do without planning permission, known as 'Permitted Development'.

In May and June this year we consulted on what should be permitted without applying for planning permission. The responses to this consultation have been summarised in a summary of responses document found at: [www.gov.je/Government/Consultations](http://www.gov.je/Government/Consultations).

The Minister has read the comments submitted to the consultation and has taken these into account when arriving at his decision on the changes to the current legislation. In considering the consultation responses, it was clear that there was a difference in the responses for the two different sections, work to 1. Listed Buildings and Places and 2. Non-listed Buildings.

The Minister has decided to carry out further work in the area of Listed Buildings and Places, and once a draft of the proposed changes is produced, it will be open for further consultation and comment.

However, in the area of Non-listed Buildings, the Minister is requesting the Law Draftsman to prepare changes to the legislation as described below.

\*Please note that the proposed changes will only apply to planning consent, and people will need to consider building bye-law permission.

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### 1 Livestock Shelters

**Consultation Question:** Should livestock shelters be allowed without applying for planning permission?

**Ministerial Direction:** The original intention of the current allowances was to assist agriculturalists with shelters for pigs, calves, sheep and chickens. It has developed over the years to become an allowance for horse stables, which is having a cumulative negative impact on the appearance of the countryside.

The current regulations, which require stables and the like to be positioned away from the field boundaries, are often in direct conflict with the policies of the Island Plan. Policies NE6 and NE7 of the Island Plan 2011 allow for incidental development, small in scale, well sited and designed. This requires a judgement to be made on the best place to position stables in each unique field. To do this, stables should be subject to a planning application. In this way, the application process can also control the other associated infrastructure that comes with stables, to reduce the visual impact on the character of the countryside.

However the original intention to allow field shelters for agriculturists and for animal welfare remains valid. It is not the Minister's intention to require an application for calf hutches, pig arcs, chicken coups, bee hives or sheep shelters. The Minister also agrees there should be no discrimination for horses or cattle either, which also need shelter from the weather. This, however, should be a true field shelter, with open sides that an animal can move freely in and out. The keeping of horses in stables should be controlled to protect the character of the countryside however the erection of temporary open-sided field shelters should be permitted.

## 2 Oyster Farming

**Consultation Question:** Should the installation of oyster beds within a designated farming area of Grouville Bay be allowed without applying for planning permission?

**Ministerial Direction:** There are many environmental impacts which need to be considered when assessing an application for oyster beds on tidal land. This is recognised by the requirement for an Environmental Impact Assessment within the Planning and Building (Environmental Impact) (Jersey) Order 2005. Whilst many of these considerations could be included within the Sea Fisheries licence, the licence does not allow for public comment, a fundamental principle of the planning process.

The Minister is minded not to make any changes to the Order to permit oyster beds, but instead seek that a single, major application be made covering the areas of expansion within the total area marked red on the proposal map. By marking out the exact location of the oyster bed expansions, an informed decision with public engagement and full environmental analysis can be made.

## 3 Kiosks by Public Service Providers

**Consultation Question:** 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, utility cabinets.

**Ministerial Direction:** The term 'kiosk' is broad and can be interpreted as many different types of structures. The cumulative impact of these structures in public spaces can have a cluttering effect and if not sited appropriately, can have a negative impact on the surrounding area. In particular, larger information and ticketing kiosks should require planning permission, with the ability for the public to comment on its placement in public spaces. Utility cabinets can be poorly sited which can detract from the surrounding area, particularly in country locations where parts of granite walls and banks are removed for their benefit. Further to this, nearly half of respondents of the consultation felt that these structures should be applied for. To this end, the Minister will require all permanent kiosks to be subject of an application for planning permission.

The Minister recognises however the need to set up temporary kiosks for community events such as Battle of Flowers. These can already be installed for up to 28 days in every year under the Planning and Building (Moveable Structure) (Jersey) Order 2015.

#### 4 Bus Shelters by Public Service Providers

**Consultation Question:** Should public service providers be allowed any type of bus shelter without applying for planning permission?

**Ministerial Direction:** Bus shelters can have a significant impact on the landscape, especially if poorly positioned taking into account nearby landmarks and important vistas. This was recognised by the consultation responses, where nearly half of all respondents answered that public service providers should apply for bus shelters.

The Minister agrees that bus shelters should be controlled through a planning application, so as to give the public the opportunity to comment on shelters within their local areas. Whilst a standard design could be agreed, it may not be entirely appropriate for every Parish and every local area. Therefore this should be judged on a case by case basis through the process of a planning application.

#### 5 Private Roads

**Consultation Question:** 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?

**Ministerial Direction:** The condition of private roads does impact on the residents living in the area and therefore should be maintained to a reasonable standard. Re-surfacing and repairing private roads may have to be done with short notice and therefore the Minister will permit this in full without applying for planning permission.

#### 6 Satellite Dishes

**Consultation Question:** Should satellite dishes be allowed on any non-Listed Building for any purpose without applying for planning permission?

**Ministerial Direction:** It would appear that home entertainment is moving in the direction of internet streaming and thus it may be that satellite dishes soon become redundant. However until then, it is considered prudent to restrict satellite dishes to a certain size. To ensure that everyone is treated fairly, the Minister will increase the size restriction from 60 centimetres to 1.2 metres, to include an international dish, but this will not be allowed on a side of a property that faces a road.

#### 7 Security Cameras

**Consultation Question:** Should security cameras be allowed on any non-Listed Building for any purpose without applying for planning permission?

**Ministerial Direction:** Security cameras are another example of modern equipment becoming more utilised. Technology is such that this equipment is usually small and its attachment to a property is unlikely to impact negatively on its appearance. The concern is the field of vision of the camera and its potential use to view neighbouring

properties. Therefore the Minister will permit security cameras on any building except Listed Buildings and Places, but with the following condition recommended by the Education and Homes Affairs Scrutiny Panel in 2014:

"The field of vision of a camera must so far as is practicable not extend beyond the boundaries of the land where it is sited".

The recommendation of Scrutiny and the Minister feel that this condition will prevent the vision of a security camera from overlooking other people's private property.

## 8 Rainwater Goods, Verges and Fascias

**Consultation Question:** Should rainwater goods such as gutters and downpipes and verges and fascia boards be allowed on any non-Listed Building for any purpose without applying for planning permission?

**Ministerial Direction:** Rainwater goods include gutters, hoppers, drains and downpipes on a building. Fascia boards are the edging underneath the gutter, and verges are the edging on a roof. These can currently be repaired and maintained but in only exactly the same type of material it is replacing.

Given the purpose of the review is to expand permitted development on minor works, this is an area that the Minister will de-regulate completely for non-listed buildings. This means more than regular maintenance and repair, but permitting the wholesale replacement or installation of these elements on any building in any material.

## 9 Replacement Conservatory Roofs

**Consultation Question:** 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.

**Ministerial Direction:** The current requirements for replacing roof coverings on conservatories that require permission must be in natural slate or clay tile but this requirement can exclude conservatories due to the normally shallow pitch of the roof. Listening to the majority of consultation responses to de-regulate in this area, the Minister will permit the replacement of a conservatory roof in any material, anywhere on the property. This however, is only for planning permission and separate building bye-law consent will still be required.

## 10 Retractable Awnings

**Consultation Question:** Should retractable awnings be allowed on any non-Listed Building without applying for planning permission? Questions were asked on whether retractable awnings should be permitted for house and flats, retail and commercial, or educational and child care properties.

**Ministerial Direction:** For houses, the Minister agrees with the consultation responses in that retractable awnings to the rear of houses should be permitted as there is little impact on the streetscape or neighbours, provided that the awnings are no higher than a permitted extension or conservatory. For flats, awnings would usually be required over balconies, which are normally to the front of the building. An odd array of awnings of different shapes, sizes and patterns, may disturb the visual appearance of a building of flats, and therefore the Minister will permit these only at ground floor level.

For retail and commercial buildings, there is a concern that awnings to the front of these types of premises could overhang the highway, obstructing vehicles and pedestrians. Also, awnings particularly in town could block the coverage of Police CCTV. Furthermore, awnings are traditionally used as a medium for advertising, which would require planning permission. Therefore the Minister will not be allowing any changes to the current level of controls in this area.

For education and child care buildings, awnings are an essentially part of protecting children from the elements. Where the awnings are placed within the boundaries of the site, the Minister will permit these at ground floor level only.

## 11 Hardstanding

**Consultation Question:** Should hardstanding on industrial sites be allowed on non-Listed Building without applying for planning permission? Questions were asked whether hardstanding on industrial sites should be permitted anywhere on the property or they should be restricted to the rear.

**Ministerial Direction:** If the site has already been approved in industrial use, it would be difficult to refuse an application for hardstanding on that site. Such hardstanding would not represent an extension to the site, simply a better use of the site already in use as industrial.

However many industrial sites are approved with negotiated landscaping plans in place to protect the amenity of neighbours and the area. By permitting additional hardstanding on industrial sites, we may lose the benefit of soft landscaping that has been sought through the agreed landscaping schemes.

Therefore the Minister will only permit the maintenance and improvement of existing areas hardstanding (e.g. replacement only). The Minister however felt that this was limiting to only allow industrial sites, and will extend the replacement of existing hardstanding to all non-residential sites. Houses and flats already benefit from greater allowances for hardstanding and this is not proposed to be changed.