Advocate Michael Adkins
Chairman of the Complaints Panel
% David Way Esq.
Sir Charles Frossard House
La Charroterie
St Peter Port
Channel Islands
GY1 1FH

Bonamy House
St. James Street
St. Peter Port
Guernsey, GY1 2NZ
[redacted]

30th December 2021 (by email)

Dear Sir,

Complaint no: 2020/01, regarding actions of the Director of Planning - Appeal

The matter concerns the manner in which the Certificate of Lawful Use (CLU/2019/2496) was issued. I refer to Mr. Hackley's report of the 17.02.2020, his letter of the 20.02.2020 (which Denise Quevatre finally and kindly emailed to me on the 28.05.20 as I had not been in Guernsey), his email to me of the 12.02.20, and Ms. Walker's report of 16.11.2021 which essentially 're-did' Mr. Hackley's findings on his instruction.

The two reports relate to the manner in which a Certificate of Lawful Use was issued.

There are three facets to this complaint which it would be dangerous to conflate:

A. The conduct of Mr. Rowles in relation to the Certificate of Lawful Use.
B. The conduct of the investigation of the complaint by Mr. Hackley, particularly with regard to his appointing himself given the conflicts of interest I shall outline.
C. The conduct of Ms. Walker in re-opening and re-investigating the complaint. [redacted]

Successive acts by the States have served to compound the wrongdoing in A. I think you will concur that the function of officials (including the law officers) is to serve the community rather than whitewash, cover up, and thereby promote misfeasance.

In setting out the facts I have tried to spare the reviewer too much detail of the scant regard for truth and fair discharge of duty by the administration to which my family has been subjected over the years. But the context of the recent bout of misbehaviour is germane as a backdrop of shabby behaviour by officials and the fact that I have over the years logged meetings and correspondence and have absolute proof of sub-standard conduct. Having held to account officials for contradictory statements (which should be termed as “lies” if there were an intent to deceive) an enmity towards me by officials has become clear and reciprocated.

As a Guernseyman, I am aware that the Island is a very small jurisdiction and that resources are scarce and conflicts are inevitable. But it is necessary to manage those conflicts so that they do not damage the good governance, transparency, and accountability that the public requires in the 21st. century.

There is a timeline here, with links to the most important documents. For emails where there were attachments, you may find them in the ‘Extra links’ column of that spreadsheet; clicking on the date in the first column will open the main item. I will be happy to provide any other material that I can and that is relevant. I have also provided links to documents as they are shown to be relevant.

On 28.11.2019 I had a tenant for the office in Bonamy House who required confirmation that the use was compliant with Guernsey regulations.

The office had been used as an office since 2000 and taxes were charged by the States for that use type and paid accordingly ever since. So it should have been a mere formality to issue the requisite Certificate of Lawful Use.

Instead of this, I encountered what appeared to be deliberately obstructive and in effect damaging behaviour from Mr. Rowles.

The effect of his procrastination was that I lost the tenant and have suffered foreseeable loss.

The complaint

My online complaint through the internal complaints procedure was that:

1) *"The Planning Officer handling this matter has taken it upon himself to introduce a novel principle of counting backwards from the date of the application, which must exceed his authority.*
2) *I have consulted two Guernsey Advocates on the matter who have advised that this approach is improper. Legislation neither gives the Committee or a person operating through delegated authority the power to vary the clear terms of the legislation.*
3) *The officers involved simply don't want to issue the requisite Certificate of Lawful Use, and have taken the extraordinary and novel position of acting as legislators.*
4) *Section 4 of the Civil Service Code mandates that officers "ensure the proper and efficient use of public money, deal with the public and their affairs fairly, efficiently, promptly and effectively and comply with the law". Section 1 speaks of "integrity, honesty, objectivity and impartiality". Drawing the matter out and knowingly misstating the Law are clear breaches of the Code. None of the above tests are met."*

The Law

The Land Planning and Development (Guernsey) Law, 2005, (the Law) Part V, Section 48 (4) reads:

4. A compliance notice may be issued whether or not [the owner occupier or other person with an interest in] the land concerned was responsible for the alleged breach to which the notice relates, and whether or not he was its owner [or occupier, or had that interest,] at the time of the alleged breach, but no compliance notice may be issued after the expiry –

> *(a) of the period of 10 years beginning with the date of the alleged breach to which it relates, or*
>
> *(b) of the period of 4 years beginning with the date on which the facts alleged to constitute that breach are first known by the [Authority], whichever is the sooner.*

The Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 (the Ordinance) provides machinery for an owner to apply for a certificate of the lawfulness of any use or development, whose effect is to provide a conclusive presumption of the lawfulness of any development specified in it.

The Ordinance amends the Law, where the Ordinance states:

Amendment of power to provide by Ordinance for certificates.

> *1. (1) Section 22 (planning status, certificates and opinions) of the*

Law is amended as follows.

> *(2) After subsection (2) insert -*
>
> > *"(3) For the purposes of this Law insofar as it relates to control of development, an existing use is lawful at any time if -*
> >
> > > *(a) no compliance notice may be issued under this Law in respect of the use because –*
> > >
> > > > *(i) the time for the issuing of a compliance notice has expired, or*
> > > >
> > > > *(ii) the unlawful material change of use occurred before the date of commencement of Part V of the Law'.*

The Ordinance continues:

‘3. (1) On an application under section 2, the Authority must issue a certificate of lawful use for the relevant use set out in subsection (2), if it is satisfied that it has been provided with information satisfying it of the lawfulness of that use, at the time of the application; and in any other case it must refuse the application.’

From the above, it is clear that:

1. A Change of Use of land is lawful **if it was instituted before** the introduction of Part V of the Law which came into force on 6th April 2009.
2. Part V of the Law provides that having been instituted unlawfully, the lapse of time means that enforcement action can no longer be taken in respect of it because the **4 or 10-year period beginning on a particular date has expired**.

An applicant’s obligation concerning the establishment of a relevant Change of Use is to satisfy the civil standard of proof; that is, the ‘**balance of probabilities**’ or ‘51% test’.

Having been taxed for that usage at all relevant times I suggest that the States (in the person of Mr. Rowles) is on the hook. It would be unconscionable for the States to reverse the position retrospectively. In a more mature jurisdiction, the doctrine of equitable estoppel might be invoked. I am not a lawyer and do not know how far such doctrines run in Guernsey. See Point (A)3(a) below.

Bearing that in mind:

(A) The Conduct of Mr. Rowles in relation to the Certificate of Lawful Use.

1. On 28.11.2019 I wrote to Mr. Rowles for clarification of the long-standing commercial office use class for the basement of Bonamy House.
2. Mr. Rowles replied on 29.11.2019, suggesting applying for a Certificate of Lawful Use.
3. I applied for such a Certificate on 29.11.2019 and receipt of my payment of £250 was made as at 2.12.2020 by the States of Guernsey.
    a. A 2009 Tax on Real Property bill dated 02.03.2009 that was one of the attachments to my email of 29.11.2019, where the line: *'Bonamy House, St. James St. - Commercial Offices (Lockton) - Basement B6.1 £5,575.69'* showed that the States of Guernsey was on actual notice that the basement was in use as commercial offices by Lockton's Insurance (CCV) a month before the Land Planning and Development (Guernsey) Law, 2005 came into force on 6.04.2009. The bill is attached as annexure 7.
    b. I believe that that meets the civil standard of proof and that the Certificate should have been issued promptly, not 74 days later.
    c. Although my application form of 29.11.2019 itself did not explicitly state that it was the basement of Bonamy House that I wished the certificate for, my letter to Mr. Rowles the day before did; therefore the Department was on notice of this. Furthermore, I clarified this with Mr. Crewe on 16.12.2019.
    d. Between my initial application of 29.11.2019 and my email of 20.01.2020, it became clear to me that I was encountering more than the normal propensity for torpidity that the Department is known for.
        i. On 8.01.2020 I received a letter of acknowledgment that was dated 19.12.2019.
        ii. The letter said that my application was 'validated' by the Department on 17.12.2019.
        iii. It suggested that I might have to wait 16 weeks from the 'validation' date.
    e. Registering an application several weeks after it is made is a well-known ploy from planners to extend the time for processing.

4. Mr. Brown, who is the States Cadastre Manager, emailed Mr. Rowles on 28.11.2019 to say that:
    a. It appeared the commercial offices had existed at Bonamy House since at least 2004. (Annexure 10)
    b. The description of his attached assessment report stated: "*Dwelling House, Offices, Land*" (Annexure 11)
    c. The last line of the chronology of the assessment report stated: "*S/2017/1270 18/12/2017 Change of use of property area(s)*" (Annexure 12)
        i. Although this does not state it applied to the basement of Bonamy House, this last line was due to a Rectification Notice being issued to confirm the office there was noted as being vacant after I had informed the Cadastre of this on 15.12.2017.
        ii. It does not undo the lawfulness of the area as a commercial office, which was established prior to 2017.
        iii. But perhaps it appeared to offer a scintilla upon which an abuse of process could be based to somebody so minded..
    d. This email and attachments were not provided to me as part of the response to my Data Subject Access Request made in 2020 to the Planning Department, which was only responded to after the Department was chased by the Data Protection Authority.
        i. I was assured that the response was complete. I knew that this was incorrect, and following a specific and very recent additional request for communications between the Cadastre and Planning Department, I received a copy of Mr. Brown's email on 22.12.2021.
        ii. The 22.12.2021 cover letter from Mr. Merrien, Data Protection Officer States of Guernsey, incorrectly states Mr. Rowles to be the Data Controller in this case with his email address, but then refers to him in the plural.
            1. According to the Office of the Data Protection Authority, the actual controller in this case is not a person but the organisation i.e. the Development and Planning Authority.

2. The 'Fair Processing Notice', included in the release of data, correctly states that the Development & Planning Authority is the registered Data Controller.
3. If Mr. Rowles has taken it upon himself to assume the position of Data Controller in this case and Mr. Merrien has edited his letter to reflect this, further red flags appear to be being raised.
4. Does this not suggest that there may be further information relating to this matter, the release of which Mr. Rowles wishes to be in the position to control?

iii. The wording of Mr. Brown's email seems slightly odd, given that I had just explained to him why I was seeking proof of continued Cadastral status since 2000 as a commercial office. He protested that I was putting his staff to a lot of work, for which I apologised, but I explained why and that the matter was that of the States' creation. Accordingly, it was agreed that he would email Mr. Rowles.

5. Additional evidence to prove that the change of use was lawful was provided by me at or before 20.01.2020. The last set of files was attached to my email of that date, to which Mr. Rowles replied by email on 21.01.2020.
    a. Therefore Mr. Rowles cannot deny being on notice of their contents.
    b. In his email of 21.01.2020, Mr. Rowles referred to case law in respect of periods of disuse where accrued immunity from enforcement can be lost.
6. My email of 20.01.2020 left the Planning Authority in no doubt that there were 3 paths by which a Certificate should be issued. Either path a) or b) led to immediate issuance of a certificate so I will discuss them here.
    a. In path a) I had attached a document containing specimen emails which irrefutably demonstrated the continued tenancy by the same group of people from 2011 until 2017.
        i. The four-year rule applied and there were no gaps in tenancy.
        ii. Mr. Rowles accepted this in his email to me of 21.01.2020 where he said: "*You contend on the basis of PAP/024/2012 that the 4 year period should apply in relation to this application, which I*

agree with…What we have is evidence to cover the period to early 2018.."

iii. Path a) should have closed the matter by 21.01.2020.

b. Path b) alone should have closed the matter at once.

i. The office was in use as a commercial office at the time the 2005 Planning Law came into force on 6.04.2009.

ii. My attachment to this email of 20.01.2020 irrefutably proves this, because it includes a surrounding email trail from the Director of the company using the office, if it could be argued that the 2009 TRP bill for Bonamy House alone (above) did not meet the balance of probability test.

c. Article 4 (1) of the Certificate of Lawful Use Ordinance states that the certificate must be issued as soon as reasonably possible after the Department has made its decision.

d. The points (a) & (b) in my email of 20.01.2020 satisfied parts (3)(a) (i) & (ii) of the Ordinance above.

e. That no further evidence was sought from me by the Department is telling.

7. It is therefore clear that from 20.01.2020 any enquiries about case law and 'material breaks in an unauthorised use making any previously accrued immunity from enforcement action lost' that Mr. Rowles sought to pursue had to be irrelevant as I had already given the Department 2 separate paths, both meeting the evidentiary standard, by which it was obvious that they had to issue the Certificate.
8. Section V of the Law is clear: that it is only the 10 or 4-year period itself that is to be considered, not the preceding or ensuing periods.
9. On 21.01.2020, following Mr. Rowles' email of that same day, I immediately forwarded Adv. Barnes' crystal clear advice given to me on to Mr. Rowles:

a. "*The new law provides that an existing use is lawful at any time if no compliance notice may be issued under this law in respect of the use because the time for issuing the compliance notice has expired and the existing law says that no compliance notice may be issued after the expiry of the period of 4 years beginning with the date on which the facts alleged to constitute that breach are first known by the Authority*

(acknowledged by Mr Rowles to be 10th December 2012). Therefore you are entitled to a certificate."

b. But there followed a 2 week 'administrative silence' until I asked the Planning Department who would handle the complaint that Deputy Tindall, who was the then President of the Development & Planning Authority suggested I make and how long it would take to issue the Certificate.

c. Mr. Rowles answered me on the 05.02.2020:

   i. "*Your complaint will have been allocated for investigation independently of the service being complained about, hence at this stage I have no knowledge of specifically who will review the complaint. The complaint will be handled in accordance with the States' Complaint Procedures.*"

   ii. And he went on to say: "*We are in discussion with the Law Officers to ensure that any decision we take is legally sound. This process* ***should conclude shortly****, when a decision will be made on your application for a Certificate of Lawful Use.*"

d [redacted]

10. During the period from 21.01.2020 to 11.02.2020, I understand there was at least one meeting where the matter was raised between Mr. Rowles and Deputies and there were exchanges of emails between Deputies and me and various telephone calls.

    a. I understand that at that meeting Mr. Rowles was unable to explain why there were more than 38 planning application references on our land.

    b. It was only on 11.02.2020 that Mr. Rowles finally issued the certificate, some 3 weeks later, after considerable pressure.

11. It is a necessary inference that the above dates were not accidental. The issue date of 11.02.2020 is 8 weeks after 17.12.2019 when the Planning Authority registered my Application. That Mr. Rowles was aware of this is indicated by page 5 of Doc1.

12. Classification of periods of immunity:

a. This is a matter that Mr. Rowles brought up with me on 21.01.2020 when he correctly agreed that 10.12.2012 started a 4-year period when the use of the premises as an office was certainly known to the Planning Authority because it was mentioned in Planning Appeal PAP/010/2012 (para 4).
b. But he then incorrectly claimed that it was necessary to prove continued use since the **expiry** of that 4 year period (that being from 10.12.2016 until the date my Application for a Certificate was 'validated' by the Planning Authority (17.12.2019).
c. As a layman, I knew that this was incorrect, but to establish certainty, I immediately consulted Adv. Barnes.
d. I forwarded Adv. Barnes' opinion to Mr. Rowles within an hour, which stated the law and that I was entitled to a Certificate.
e. Mr. Rowles chose to ignore this and he chose to ignore the Law. He appeared to chase the fantasy that he might find some mechanism to deny issuing the Certificate of Lawful Use to me and to temporise; he knew I had a tenant waiting.
f. Even if Mr. Rowles could claim to have been legitimately researching case law with a Law Officer regarding the classification of periods of immunity, there was still no provision for counting backward from the date of my application in either the Law or the Ordinance, and both he and the Law Officer would have known that; therefore such research seems pointless.
g. The Certificate of Lawful Use Ordinance is crystal clear. It would be difficult to misinterpret. Its creation was described to me by Mr. de Woolfson on 7.08.2020.
    i. The Ordinance was drafted in 2019 by the Crown Advocates in consultation with various officers including Mr. Rowles, Director of Planning.
    ii. In April 2019, 'Practice note 13 – Certificates of Lawful Use' was drafted by Mr. Rowles, Director of Planning, in consultation with Law Officers and other officers.
    iii. When pressed, Mr. de Woolfson declined to provide further information, as can be seen from the email trail.

13. Mr. Rowles said in his reply to me of 21.01.2020:
    a. *'You contend on the basis of PAP/024/2012 that the 4 year period should apply in relation to this application, which I agree with, and which would mean that you only need to provide evidence to cover the period 10 December 2012 to 17 December 2019 (when the application for a Certificate of Lawful Use was validated).'* He forgot that he had, in paragraph 31 of that very Appeal *(PAP/024/2012)* correctly explained this very 4-year rule to the tribunal.
    b. And he went on to say in that same email in respect of the 4-year rule: *'What we have is evidence to cover the period to early 2018, but not from then to 17 December 2019 which is required in order to grant your application. Where some confusion may have arisen is that you seem to be working forwards from the 2012 date, rather than backwards from the date your Certificate of Lawful Use application was submitted, and where we currently have a 2-year gap during the period 2018-2019.'*
    c. The mechanism of 'counting backward' that Mr. Rowles entertained is absent from Guernsey Law; he has correctly applied the 4 and 10-year rule on countless occasions since the 2005 Planning law came into force on 6.4.2009. The 2019 Certificate of Lawful Use Ordinance uses the same provisions with the additional provision of a requirement to issue a certificate if the use was established before the 2005 Law came into force (on 6.04.2009).
    d. By 21.01.2021 Mr. Rowles had adopted the extraordinary and novel position of acting as legislator.
14. The 4 & 10-year rules were correctly interpreted in all the Certificates of Lawful Use issued before mine:

2020_02_06	Certificate of Lawful Use/2019/1104	Certificate of Lawful Use issued "..demonstrate that on the balance of probabilities the areas of land specified in Appendix 2 to this certificate have been used for the uses described in Appendix 1 to this certificate for a continuous period of more than 10 years."
2020_01_27	Certificate of Lawful Use/2019/2005	Certificate of Lawful Use issued "..as been occupied as a single dwelling house, in accordance with Residential use class 1, for a

		continuous period of more than 10 years"
2020_01_24	Certificate of Lawful Use/2019/1252	Certificate of Lawful Use issued "..for a continuous period of more than 10 years"
2019_08_27	Certificate of Lawful Use/2019/1038	Certificate of Lawful Use refused "..that the use has been operating continuously at the level claimed for the entirety of the ten/four year period."

15. Accusations I made in my 20.01.2020 email:
    a. "*The Environment Department have a poor history in relation to my family land. You will see that from the Section 68 appeal (attached) in which the Tribunal criticised the Department in excoriating language and also questioned officers' probity, and the Section 70 appeal (attached) which the Department lost. But what led to that was far worse. Department and SPS officers had colluded with a developer in a manner which could only be described as* [redacted]*. Officers were caught red-handed. The then* [redacted] *was also a Director of a company seeking the land. At around this time your Department made repeated efforts to impoverish me with Challenge and Enforcement Notices which were found to be flawed. The Housing Department harassed my tenants. Any department of the States which could be turned against me was. Nothing succeeded. And I did not sell.*"
16. Whilst he objected to my comments about Mr. Crew, Mr. Rowles ignored my history of the site and his and his Department's prior conduct.
17. I have searched for an understanding of the behaviour of Mr. Rowles. Certainly, the due execution of a duty of office would be impossible to reconcile with the behaviour that Mr. Rowles exhibited from 2010 onwards. It is a reasonable speculation that Mr. Rowles' recent conduct may be linked to the following:
18. My family owns land that connected two States owned parcels near the new Royal Court.
    a. We had been in negotiations with the States since 1992. At one point the States offered £1 for the part of our land that connected theirs. Threats were made by the agent acting for the States.

b. Planning Applications on our land were consistently rejected.
c. By 2004 matters had become so acrimonious that my parents granted a 5-year option to a company called [redacted] Ltd., formed by a [redacted] UK property developers who had recently moved to Guernsey. The option envisioned either commercial negotiations vis-a-vis a joint development with the States concerning our combined land parcels or if this failed, residential development on our parcel alone. Should the latter occur, the option holder could purchase our land, after a 6-month window (during which we could pay [redacted]s costs and sell to another party), at the residual land value derived from the residential consent granted.
d. Negotiations for a commercial Development ensued, with Knight Frank LLP retained to act for the [redacted] and King Sturge LLP [redacted] acting for the States Property Services. Mr. [redacted] was a senior figure at King Sturge LLP.
e. The land parcels were all zoned non-commercially, but the States were absolved from the 1966 Planning Law, so they could develop commercially. It was, in effect, a form of planning blight. This changed when the 2005 Planning Law came into force on 6.04.2009.
f. [redacted] incorrectly maintained that the option agreement continued as long as a planning application was in process and so they continued beyond the end date of the option.
g. By 2008, commercial negotiations had ostensibly stalled and the [redacted] pursued a residential application on our land.
h. States Property Services objected to the proposed residential development in 2009.
i. In 2010, and after months of temporising, the Planning Department found themselves in the position that they could face a planning appeal for non-determination of the residential applications being made.
j. By the afternoon of 6.08.2010, at a meeting attended by Mr. Rowles, a Mr. Pentland, a Mr. Shilling, a Mrs. Bowyer, [redacted] and their planning advisor, [redacted] matters had come to a head. A way forward was found. It was simple: An all but worthless residential consent would be granted which would allow the [redacted] to exercise their option,

but protect the States from a development that would destroy the marriage value of their own land. A new planning policy, CEN3(a) was applied to the divided States land and to ours if it was used to connect theirs. This allowed for commercial development of the sites. All parties lied to me about the application of this policy and the [redacted] attempted to purchase. Indeed, I was lied to 13 times by these people about it. That included States Property Services and Planning Department officials.

19. Mrs. Bowyer was the Director and Mr. Shilling was the Strategy Officer of States Property Services, a part of Treasury and Resources. Mr. Pentland was the case Planning Officer and he developed a friendship with [redacted].
20. A paper trail was created in early 2011 when Mr. Rowles and Mr. Shilling appeared to try to hide the aforesaid discussions on 6.08.2010.
    a. The paper trail appears to be sham enquiries and exchange of messages in early 2011, annexed hereto as exhibits 1 & 2.
        i. Shilling - Rowles morning email 15.02.2011 (annex 2)
        ii. Rowles - Shilling - Rowles email trail 15.02.2011 (annex 1)
        iii. Rowles - Shilling letter 4.03.2011 (annex 4)
        iv. As can be seen from the above, they denied that the policy CEN3(a) was applied to the land not owned by the States.
        v. On 23.12.2011 the following email exchange between Mr. Rowles and me, exhibited as annexure 4, confirms that CEN3(a) was applied to our site on 6.10.2010
        vi. Mr. Rowles then called me to lie to me in the morning of 01.02.12, (annexure 5) to try to say he had only applied the policy on 2.11.2011 when he, Mr. Thornton (former Director of Commercial Law, Law Officers), and I had had a meeting, not on 6.08.2010. I recorded the telephone call and there is a transcript. He forgot that he had hitherto confirmed that he had applied that policy to our land on 6.08.2010 (annexure 4).
        vii. Once caught, he then corrected the lie in the email between us later in the day of 1.02.2012.
        viii. Did Mr. Rowles intend that I would believe him when he called me to lie to me? Yes or no?

ix. On 4.04.2011, realizing that the option agreement had expired, [redacted] Ltd. offered £1,000,000 for our land. They stated their costs were around £300,000. The residential consent granted was worth less than that. We did not sell, and still own the site.

x. As a consequence, we suffered continued years of intimidation, much of it by States Departments.

xi. Because of threats made, my family left Guernsey.

21. The [redacted]

b. [redacted] was also a close friend and investment advisor to [redacted]

c. [redacted] had left the UK after granting an option to [redacted] plc. for a housing development on their [redacted] at a 90% profit retention to themselves. [redacted] gained planning permission for [redacted] for a 600+ house development there.

d. As an aside, the adjacent States' land has now been sold under the direction of the States' Trading Supervisory Board [redacted]

i. One parcel was sold to Marguerite Holdings Ltd., a subsidiary of Comprop CI Ltd. Mr. Scott formerly owned ComProp Ltd.

ii. The other was sold to Marguerite Ltd., who also owns the adjacent former Carey Olsen premises in New St.

iii. Bailiwick Investments Ltd. owned Carey House.

iv. ComProp Ltd. subsequently PropCom Limited owned 10% of Marguerite Ltd.

e. One can guess who was applying the political pressure that Mr. Shilling wrote to Mr. Rowles on 15.04.2011 about. Please see annexures 1 & 2.
f. The final intention was, until recently, to amalgamate the parcels.
g. Mr. Rowles and Mr. Pentland could have been upset by the Planning Appeals that I made in 2012:
    i. Appeal Decision Notice PAP/010/2012:
        1. § 1 "*The appeal is upheld, and the Compliance Notice is quashed.*"
    ii. Appeal Decision Notice PAP/024/2012:
        1. § 29: "*The Tribunal finds the Department's position at this time untenable..*"
        2. § 31: "*He* [Mr. Rowles] *reminded the Tribunal that an unauthorised use would fall beyond the scope of enforcement action* ***when it had endured for a period of more than ten years, or for a period of more than four years after the Department had become aware of it.***"
        3. § 43: "*..In the Tribunal's opinion the reference in the* [planning] *officer's report to the 'particular circumstances and background' of the case, which are not specified, further undermines the probity of this decision.*"
        4. § 45: "*In comparing the handling of the appeal application and the applications relating to Rue Marguerite, the Tribunal sees a striking inconsistency in the varying interpretation of part a) of Policy CEN7. The Tribunal can understand why Mr. Collings might feel that he had been treated unfairly, and agrees that more latitude appears to have been allowed in respect of the applications for States-owned land than had been shown in the assessment of Mr. Collings' application. On the above evidence, the Tribunal is satisfied that there has been inconsistency in the handling of these applications*"
        5. This appeal could not be upheld because of a mechanism introduced to the Planning Authority during the hearing by the aforementioned [redacted]