Department of the Environment
Planning and Building Services
South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508
Fax: +44 (0)1534 445528

27 August 2013

Andrew Morris
Morris Architects
17 La Motte Street
St Helier
JerseyJE2 4SY

Planning Application Number P/2010/1717

Dear Sir

Application Address:	Field No. 622, La Rue de la Croute, St. Ouen, JE3 2GG.
Description of Work:	Construct 19 No. sheltered accommodation units, communal building and new vehicular access. (Model Available).

Please find enclosed notice of the Minister for Planning and Environment's decision regarding the above application.

Yours faithfully

Alistair Coates
Senior Planner
direct dial: +44 (0) 1534 448455
email: a.coates@gov.je
www.gov.je

Encl.

Chief Executive Officer: Andrew Scate BA (Hons), Dip TP, MRTPI, MinstLM

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Planning Application Number P/2010/1717

PLANNING & BUILDING (JERSEY) LAW 2002

DECISION NOTICE

REFUSED

The Minister for Planning and Environment, having considered your application in respect of the following development:

Construct 19 No. sheltered accommodation units, communal building and new vehicular access. (Model Available).

To be carried out at:

Field No. 622, La Rue de la Croute, St. Ouen, JE3 2GG.

hereby gives notice of his decision to REFUSE PERMISSION TO DEVELOP LAND[1] for the following reasons:

Reasons

1. The proposal would result in the erection of 19 dwellings and community building within the designated Green Zone wherein there is a general presumption against all forms of new development. Such development without any rigorous evidence of a demonstrable essential need or a comprehensive Village Plan that has ben out to public consultation, is considered to represent a substantial departure from Policies NE7 and SP1 of the Jersey Island Plan, 2011.

2. The Minister has recently commenced a review of the 2011 Island Plan in respect of potential housing site designations. The Minister considers that it would be premature, and prejudicial to that review, to release Field 622 for any form of housing development prior to the conclusion of that review.

27/08/2013 Signed for Director

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Last Amended: January 2012

An Applicant's Right of Appeal

If an applicant is dissatisfied with a planning decision there may be an opportunity to amend and resubmit the application without paying an application fee. Failing that there are three options for appeal. The best course of action depends on the circumstances of the application. Planning Officers would be happy to discuss these options with an applicant.

Resubmission

Resubmission of an application without paying a fee must be for a proposal of the same character or description as that previously considered and must be made within 6 months of the decision. The opportunity to make a submission without paying a fee can only apply once to any proposal.

Appeals

Option 1: Request for Reconsideration

An applicant can request that their application is reconsidered by the Planning Applications Panel if:

- the application was refused and they believe that the decision to refuse was unreasonable.
- their application was not determined by the Planning Applications Panel in the first instance.

Meetings of the Planning Applications Panel to consider requests for reconsideration are open to the public.

The process

- The applicant or their agent must send a letter or email to the Applications Manager, Planning and Environment, South Hill, St Helier, JE2 4US within **2 months** of the date of the Decision Notice informing them that their application was refused.
- The letter or email must clearly state the reasons why the applicant considers the decision to refuse the application to be unreasonable. It should refer to any matters that the applicant feels have not been given sufficient weight. A copy of this letter/email will be placed in the public domain enabling access by neighbours or other third parties.
- The request for reconsideration must relate to the application that was submitted and refused. The application cannot be changed prior to being considered by the Planning Applications Panel.
- The Department will not advertise the request for reconsideration in the Jersey Evening Post and will not require a new site notice to be displayed. However the Department will inform the following people that the application is being reconsidered and will inform them of the date on which the public meeting will take place:
    1. The applicant and/or their agent
    2. Anyone who commented on the application
    3. Anyone who was consulted about the application

- The request for reconsideration will be considered at the first available public meeting. The agenda for these meetings will be publicised in the Jersey Evening Post prior to the meeting date.
- The applicant, their agent, or any other party may attend and speak at the public meeting.
- The Planning Applications Panel may overturn or uphold the original decision EITHER in the meeting OR in some circumstances at a further meeting if additional information is required.
- There is no charge or fee associated with a request for reconsideration by the Planning Applications Panel.
- Each application can only be reconsidered once.
- Only an applicant or their agent can request a reconsideration by the Planning Applications Panel.
- There may be circumstances where reconsideration may be by the Minister rather than the Planning Applications Panel. If this occurs the reason will be recorded and be available for any parties to view.

Option 2: Appeal to the Royal Court

Article 113 of the Planning and Building (Jersey) Law 2002 provides the statutory right of appeal to applicants who are dissatisfied with a planning application decision made by, or on behalf of, the Minister for Planning and Environment. Such an appeal is made to the Royal Court and must be officially lodged within 28 days of the date of notification of the Minister's decision.

To proceed with an appeal to the Royal Court it is advisable to consult a lawyer. The procedure is set out in the Royal Court Rules 2004 (as amended). A copy of this document can be obtained from the States Greffe Bookshop, Morier House, St. Helier. It is also published on the website, at www.jerseylaw.je.

Option 3: Complaints Board Hearing

An applicant who is dissatisfied by a decision made by or on behalf of the Minister may also write to the Greffier of the States to request that the decision be reviewed by the States of Jersey Complaints Board. This procedure, which applies to decisions made by any Minister or Department of the States, is provided for under the Administrative Decisions (Review) (Jersey) Law 1982.

Following receipt of the complaint, the Chairman or Deputy Chairman of the Complaints Board Panel will decide whether the circumstances of the case justify a hearing by a Board. Any such hearing is normally held in the local Parish Hall and evidence is heard from both the complainant and the Minister or his representative. These proceedings are usually relatively informal and although a complainant may wish to be present at his or her case with the help of an agent or adviser this is not necessary. After the hearing the Board will report its findings. If it considers the original decision to be unreasonable the Board can request the Minister to reconsider the decision. **However, it is important to point out that the Minister is not bound by the conclusion of the Board.**

To follow this route the Greffier of the States should be contacted in writing setting out the details of the planning application and the reasons why it is considered the decision is unreasonable. The Greffier will then decide if the matter merits a hearing by a Board. If a hearing is to be held the Greffier will organise the process and timetable.

The Greffier's address is:

Greffier of the States of Jersey, States Greffe, Morier House, St Helier, JE1 1DD