

Department of the Environment
Planning and Building Services

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15 November 2013

Mr M Dennis
Design Plus Limited
The Studio
13 – 15 Don Street
St Helier
JE2 4TQ

Planning Application Number P/2013/1037

Dear Sir/Madam

Application Address:	Wabbi, Beau Rivage, La Route de la Pulente, St. Brelade, JE3 8HG.
Description of Work:	Demolition of existing detached garages and stores. Construct dwelling to South of existing dwelling. Incorporate existing integral dwelling to form additional ancillary habitable space for Beau Rivage.

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

Yours faithfully

A handwritten signature in black ink, appearing to be "L. Davies", followed by a horizontal line.

Lawrence Davies
Planner, Development Control
Planning Services, South Hill, St. Helier, Jersey, JE2 4US
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Encl.



Planning Application Number P/2013/1037

PLANNING & BUILDING (JERSEY) LAW 2002
DECISION NOTICE

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

Demolition of existing detached garages and stores. Construct dwelling to South of existing dwelling. Incorporate existing integral dwelling to form additional ancillary habitable space for Beau Rivage.

To be carried out at:

Wabbi, Beau Rivage, La Route de la Pulente, St. Brelade, JE3 8HG.

hereby gives notice of his decision to REFUSE PERMISSION TO DEVELOP LAND¹ for the following reasons:

Reasons(s)

1. The site is located within the Coastal National Park. Under the provisions of Island Plan Policy NE 6, this zone is to be given the highest level of protection against development and there is the strongest presumption against all forms of new development for whatever purpose within this zone. For the avoidance of doubt, the policy does not allow for the establishment of new residential units within this zone.

In this instance, the applicant has argued that, because the application concerns the relocation of an existing one-bedroom residential unit, together with the incorporation of the existing unit into the main house, there would be not be any increase in the number of dwellings on the site (the application is for, in effect, a replacement dwelling). Furthermore, the new dwelling would be built into the existing landscape and would not be readily visible from outwith the site.

It is acknowledged that the replacement of existing dwellings on a 'one-for-one' basis is potentially acceptable within the Coastal National Park. However, where this is proposed, Policy NE 6 requires that a development proposal;

"would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an

REFUSED

improvement in the design of the buildings that is more sensitive to the character of the area and local relevance".

In this instance, the 'redevelopment' of the site would comprise the demolition of an existing garage block, together with the 'non-construction' of an approved (but as yet un-built) extension to the house. The existing one-bedroom unit would not be demolished; rather it would simply be subsumed into the existing main house, and thereafter an entirely new replacement structure would be built elsewhere within the site (in an area which is currently undeveloped). On this basis, there is not considered to be sufficient justification to outweigh the very strong presumption against development and permit the construction of such a new house.

For these reasons, it is considered that the application fails to satisfy the requirements of Policy NE 6 of the 2011 Jersey Island Plan.

14/11/2013

Signed



for Director

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