



Judicial Greffe

Appeals - Planning and Building (Jersey) Law 2002

A brief guide

Appeals are decided by the Minister for the Environment. The Minister will make a decision after receiving a recommendation from an independent Inspector who has been appointed to consider the case. The Minister does not have to follow the recommendation made by the Inspector but a reasoned explanation must be provided where the Inspector's advice is not followed.

The Inspector's recommendation will take into account:

- the material submitted to the Department of the Environment;
- all the appeal documents;
- any relevant legislation and policies,
- any other matters that are material to the appeal.

If a prospective appellant thinks that amending their application proposals or attaching a condition to a permission will overcome the reasons for refusal they should make a fresh application. These are not valid reasons for lodging an appeal.

When the appeal decision has been made we will contact everyone who has been involved to let them know the outcome. Where appropriate the decision will also be made public.

Who can make an appeal?

- A person who has been refused planning permission or building bye-laws
- A person who does not agree that a condition attached to a permission is appropriate
- A person who has been refused to have a condition on an approval

varied or removed

- A person who has been refused permission to carry out work to/on/under a site of special interest (a Listed Building or place)
- A person who has been refused permission to carry out works to a protected tree
- A person who has had their property made a Listed Building or has had an application to de-List the building refused
- A person who has been refused permission to import a caravan
- A 3rd party who is unhappy with a particular grant of planning permission and who has made a written representation in connection with that application for permission and who has an interest in the affected land or lives within 50m of the application site.

If more than one decision is to be appealed separate appeals for each decision must be lodged.

Forms to make an appeal can be found at

<http://gov.je/PlanningBuilding/AppealsComplaints/Pages/index.aspx>

Appeals must be accompanied by the relevant fee as follows:

Refusal to grant or refusal to vary Planning Permission for a: • major development* (see below for definition) • minor development	£1681.00 £525.30
Approval of Planning Permission	£525.30
Revocation or modification of Planning Permission	£525.30
Refusal of Building Permission (Bye Laws)	£525.30
Refusal to issue Certificate of Completion	£525.30
Refusal to allow work to or activities on Sites of Special Interest	£105.10
Refusal of Caravan Permission	£525.30
Imposition of a condition on any Permission	£105.10
The Listing of or refusal to De-List a building, place or tree	£105.10
All other appeals	£105.10

Everyone involved in an appeal including anyone wishing to make comments on an appeal must meet the statutory and procedural timetables set out in the Law to ensure that no-one is disadvantaged and the appeal can be processed efficiently.

How does an appeal start?

Any appeal starts with the submission of a relevant appeal form.

Appeals must be made within 28 days of

- The date of the decision – this is the date on the decision notice
- The date of the issue of a notice requiring action – this is the date on the notice
- The date of the decision which contains a condition which is the subject of an appeal – this is the date on the decision notice
- The date of entry into a building to undertake any work to

remove or reduce any danger.

The appeal form must identify all the relevant issues. There is no need to fully explain the appeal case but if an issue is not identified at this stage it will not be able to be included at a later date without the express leave of the Inspector.

What happens when we receive an appeal?

Once an appeal is received and registered we will notify the appellant, the Department of the Environment and all other parties who have made representations in connection with the case

The date of this notification will be the start date for the appeal process.

From the start date of the appeal process all parties involved will have 28 days to submit their full arguments (statement of case) in connection with the appeal. This statement of case should fully disclose the respective arguments of the parties involved and must include all supporting evidence and documentation.

Anyone who has been notified of the appeal or who has previously expressed an interest in the case can submit a statement of case as long as it is within the deadline. Representations which were received in connection with the original decision – for example representations in connection with an application for planning permission – will be automatically made available to the Inspector. Further comments can be submitted if desired.

Statements of case will be made available to all interested parties involved in the appeal and there will be a 14 day period to allow any responses to be made in relation to other party's arguments.

An appeal will proceed in one of two ways,

1. written representations where an inspector assesses an appeal on the basis of the written submissions or:
2. an oral hearing, a structured discussion led by the Inspector and involving all the interested parties.

Once an appeal has been registered an Inspector with the relevant qualifications, skills and experience will be appointed to consider the appeal. The date when the Inspector will consider the appeal will be set; this may involve scheduling a site visit.

If someone who wants to make an appeal does not have access to the internet they should contact us and an relevant appeal form will be sent to them; alternatively forms can be collected from the reception at the Judicial Greffe in the Royal Court Building, Royal Square, the Department of the Environment at South Hill or from Howard Davies Farm.

CONTACTING US

For general enquiries our contact details are:

Tribunal Service
1st Floor, International House
41 The Parade
St Helier
JE2 3QQ

01534 441380

*Major development is

- Residential development of 1 unit or above
- New non-residential development
- Non-residential extensions or structures of more than 250 sq. m floor space
- Any development of mixed residential and non-residential use
- Any change of use of land or buildings
- Any installation of wind turbines or telecom masts
- Any application requiring an Environmental Impact Assessment
- Demolition
- Creation of reservoirs or outdoor recreation areas
- Works of mineral extraction, earthworks and similar infrastructure projects.

Any development which is not major development is minor development.