

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal Decision: MS/2020/1646 and P/2020/1647 (Home Farm, Le Mont de la Hague, St. Peter, JE3 7DE)
Minister	Environment
Signatory	Minister
Lead Department	Strategic Policy, Planning and Performance (SP3)
Lead Directorate	Strategy and Innovation (SP3)
Ministerial Decision Summary: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Principal Policy Planner
Date of Report	05/09/2022
Supplementary Report Title <i>(If applicable)</i>	Inspector's Report: Home Farm, Le Mont de la Hague, St. Peter, JE3 7DE
Supplementary Report Author <i>(If applicable)</i>	D A Hainsworth LL.B (Hons) FRSA Solicitor
Date of Supplementary Report <i>(If applicable)</i>	27/05/2022
Ministerial Decision Report: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	MS/2020/1646 and P/2020/1647
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Articles 108 - 111 of the Planning and Building (Jersey) Law 2002
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	There are no new financial and/or manpower implications.
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### Introduction

Following an appeal by Gerald Le Ruez against refusal of planning permission and moveable structures consent by the Planning Committee, Mr D. A. Hainsworth was appointed as the planning inspector to prepare a report for the Minister's consideration.

The appeals against MS/2020/1646 and P/2020/1647 were dismissed by the former Minister for the Environment [decision ref: MD-ENV-2022-447] and were subsequently the subject of an appeal against the Minister's decision to the Royal Court. The Royal Court allowed the appeal and remitted the original appeals against the decisions to refuse permission to the new Minister for the Environment for determination.

The Minister for the Environment considered the appeals 'de novo', with reference to the policies of the 2022-2025 bridging Island Plan. While the Minister was aware that the applications concerned were made retrospectively, the Minister did not consider that the presence of unauthorised open storage on site affected the interpretation or application of approved planning policy when assessing the merits of the appeals.

### Recommendation:

To dismiss the appeals and to maintain the original decision to refuse planning permission, reference P/2020/1647 and moveable structures consent reference MS/2020/1646 for the following reason:

The Minister noted that Policy PL5 of the 2022-2025 bridging Island Plan enables economic development that supports the maintenance and diversification of the rural and island economy, but only where the location of development is justified and appropriate or where it involves the reuse or redevelopment of already developed land and buildings, where it is appropriate to do so.

In this instance, the Minister considered that the Green Zone location of development and moveable structures had not been adequately justified by the appellant and that it is not considered to be appropriate in terms of the Island Plan's spatial strategy which seeks to direct new developments to within defined built-up areas.

The Minister also noted that policies PL5 and HE1 require that development in the countryside should protect or improve its character and distinctiveness and that proposals that could affect a listed building, or place, or its setting, must protect its special interest and should seek to improve the significance of listed buildings. Policy E11 of the bridging Island Plan also states that in all cases of storage/rural economy development there will be a need to ensure that the proposed development does not harm the amenity of neighbouring uses; or the local character of the area.

It was the Minister's view that the proposals the subject of the appeals do not adequately comply with the criteria of policies PL5, HE1 and E11 primarily owing to the number and type of vehicles and structures stored in the open which are not considered compatible with the sensitive Green Zone location nor with the setting of a listed building. Commercial open storage within the countryside that does not support the maintenance and diversification of the rural economy is not stated as being a permissible exception to the provisions of the placemaking policies of the Plan. Sufficient evidence has not been put forward to demonstrate how the storage uses would serve to support the rural economy.

Ministerial Office  
Ministerial Decision Report



The Minister considered that to allow the grant of such exceptions will not only cause damage to the Plan's integrity but will also serve to promote the creeping commercialisation of the countryside which will cause significant harm to its character and amenity, to the detriment of the wellbeing of the island community.

In conclusion, the Minister did not consider that there was sufficient justification to warrant the granting of a departure from the policies of the bridging Island Plan.