

Classification level

Official.

Freedom of information exemption(s)

Decision summary:	None.
Written report:	None.
Supporting document(s):	None.

Reason for the application of a freedom of information exemption(s)

Decision summary:	N/A - There are no exemptions being applied.
Written report:	N/A - There are no exemptions being applied.
Supporting document(s):	N/A - There are no exemptions being applied.

Data protection

[Data Protection principles](#) have been applied to this Written Report and the Supporting Document(s), if any. The following can be shared with Scrutiny and/or published:

Decision summary:	Yes - redaction(s)/pseudonymization is not required.
Written report:	Yes - redaction(s)/pseudonymization is not required.
Supporting document(s):	Yes - redaction(s)/pseudonymization is not required.

Legal advice

In accordance with the [Ministerial Code](#), its supplementary guidance on [Ministerial Decisions](#), and legal privilege principles: no verbatim legal advice, nor any text alluding to legal advice having been sought, is found in any of the documentation supporting the Ministerial Decision.

Preparatory information

Ministerial decision type:	Determination(s)
Ministerial Office:	Environment
Signatory:	Minister
Lead department:	Cabinet Office (CABO)
Lead directorate:	Housing, Environment and Placemaking (CABO)

Lead officer:	Head of Place and Spatial Planning
Required for the States Assembly:	The document(s) supporting this Ministerial Decision DO NOT require presenting/lodging with the States Assembly.
Children's rights impact Assessment:	A children's rights impact assessment is not required for this type of decision.
Human rights impact Assessment:	A human rights impact assessment is not required as part of this decision.

Planning appeal decision: P/2024/0861 (former Nude Food Dunes restaurant, La Route de la Pulente, St. Brelade)

Introduction

This is a written report to support a Ministerial Decision and is to be read alongside the supporting documents, if any. This report has been prepared by officers and is viewed to be in accordance with the [Ministerial Code](#), supplementary guidance on [Ministerial Decisions](#), appropriate [Freedom of Information exemptions](#), and with consideration of [Data Protection Principles](#).

Supporting documents

Report to the Minister for the Environment in respect of an appeal under Article 108 of the Planning and Building (Jersey) Law, 2002 against a decision to refuse planning permission (P/2024/0861) at former Nude Food Dunes restaurant, La Route de la Pulente, St. Brelade dated 04 March 2025; with a supplementary report dated 24 March 2025; and a further supplementary report dated 22 April 2025, by DA Hainsworth LL.B (Hons) FRSA Solicitor

Reason for the decision

Following an appeal against the refusal of planning permission for the partial change of use from a café/restaurant to self-catering holiday accommodation and various external alterations at former Nude Food Dunes restaurant, La Route de la Pulente, St. Brelade, David Hainsworth was appointed as the independent planning inspector to consider the appeal, including all plans and documentation associated with it.

The inspector visited the site and surroundings, considered written representations and held a hearing before preparing and submitting a report for the Minister's consideration. This has been supplemented by two further reports on issues where the Minister has sought further advice.

The Minister has also visited the site and has given full consideration to all of the inspector's reports and to the advice and material factors referred to in them and is required, under Article 116 of the Planning and Building (Jersey) Law, 2002, to determine the appeal, and in so doing, to give effect to the inspector's recommendations unless the Minister is satisfied that there are reasons not to do so.

For the reasons given below, the Minister is satisfied that there are sufficient reasons not to give effect to the inspector's recommendation, and has decided to dismiss the appeal, and to maintain the refusal of planning permission for the proposed development at the former Nude Food Dunes site set out in the application P/2024/0861, based on the first two reasons for refusal only.

In his initial report, at paragraph 12, the inspector considers that the requirement for the appellant to demonstrate that there is no market demand for the continued use of the premises for its existing use has been satisfied. The Minister does not agree.

Advice about the requirements of the marketing of employment land has been issued by the Minister¹ which states that applicants will need to demonstrate that a site has been actively marketed at a realistic price which reflects the employment status of the site. This should be evidenced by a comparison of the price relative to that for comparable premises in the area and across the island, together with an independent valuation of the site. As

¹ [Protection of employment land](#)

stated in the Minister's guidance, a lesser financial return, relative to other development options, will not normally be sufficient to justify a change of use.

The Minister's guidance also states that simply because an employment site is vacant, does not mean that a site is redundant relative to the use for which permission has been granted. And whilst the Minister agrees with the inspector that it is clearly beneficial to make use of vacant buildings (paragraphs 14; and paragraph 25 third bullet), it is important that this is appropriately tested, where this affects daytime and evening economy uses relative to the provisions of the island plan at Policy ER4 5a, before permission is granted for an alternative use. On the basis of the information provided, and relative to the considerations outlined above, the Minister does not consider this to have been the case.

The Minister would concur with the inspector (at paragraph 13), when he states that it has not been shown that the proposed café use would be less widely available to the general public than the previous indoor seated restaurant offer, however, the Minister would note that there is only limited external space provided for patrons of the proposed café development and that it would effectively be limited to a take-away facility.

The Minister accepts the inspector's advice that the proposed use of part of the site for the provision of self-catering holiday accommodation would contribute to the range of Jersey's visitor accommodation offer, under the provisions of Policy EV1 (paragraph 16 and paragraph 25, first bullet) but does not entirely agree that this would provide an offer of quality. Whilst acknowledging that the site occupies a spectacular location, the Minister does not consider the proposed design and layout of the self-catering accommodation to be optimal, where the amenity area of the accommodation is adjacent to the provision of and access to the public toilets at the site; and where the 'private' part of the proposed development (represented by the holiday accommodation) is effectively sandwiched between the two public-facing uses of the proposed development (represented by the public toilets and the café use).

The Minister does not agree with the inspector's interpretation of paragraph 4 of Policy EV1 (paragraphs 21-24 and paragraph 25, sixth bullet). It is the Minister's view that, as set out on the face of the policy, outside of the built-up area support will be given for the re-use and conversion of traditional farm buildings or listed buildings to be used as visitor accommodation, the corollary of this is that the re-use and conversion of other buildings will not. As stated in the related guidance², this will be considered and assessed relative to key tests, including redundancy of employment use, and support offered by exception.

On this basis, the Minister would only concur with the inspector's advice that the proposal accorded with the strategic provisions set out in island plan policies SP2, SP6 and PL5 (as set out in paragraphs 17, 18 and 19 and paragraph 25 second, third and fourth bullet), where these tests are satisfied. As set out above, the Minister considers that redundancy has not been satisfactorily demonstrated.

With regard to the other advice offered by the inspector in paragraph 25, sixth bullet, the Minister considers that there is no evidence that there would be a reduction in intensity of use; but the Minister does agree that the proposed removal of the extraction flue would deliver an environmental improvement.

The Minister agrees with the inspector that the provision of the car parking space and re-aligned access ramp would not harm landscape character (at paragraph 26.), and does not, therefore, support the third reason for the refusal of planning permission.

On balance, and for the reasons given above, the Minister considers that the proposed development the subject of this appeal presents overall conflict with island plan policies, specifically Policy ER4 – Daytime and evening economy uses and Policy EV1 – Visitor

² [SPG -holiday lets-July 2024.pdf](#)

accommodation together with the associated planning guidance Protection of employment land and Short-term holiday lets.

In favour of the proposed development is the potential to provide a new use for a currently vacant building which sits in a sensitive location in the island's Coastal National Park, which would, subject to its implementation, also offer the prospect of securing the reopening and maintenance of the public toilets; and the operation of a café.

The Minister is, however, concerned that the design and layout of the proposed development fails to optimise the quality of the uses proposed for the site, and that this undermines the contribution that any new visitor accommodation might make relative to the policy objectives of Policy EV1 – Visitor accommodation. More fundamentally, however, on the basis of the evidence provided in support of the application and the subsequent appeal, the Minister does not consider that the redundancy of the existing approved use has been adequately demonstrated, contrary to the policy requirements of ER4 and EV1 and that, on balance, having regard to all other material considerations, planning permission should not be granted, based on the first two reasons for refusal as set out in the original decision notice, and the appeal should be dismissed.

Recommendation

It is recommended that the appeal is allowed, and that planning permission is granted for development at the former Nude Food Dunes restaurant, La Route de la Pulente, St. Brelade in accordance with the application P/2024/0861 dated 18 August 2024 and the plans and documents submitted therewith, subject to the various amended conditions as set out in the inspector's further supplementary report dated 22 April 2025.

Action required if the recommendation is adopted

The Ministerial Office to advise the Judicial Greffe of the decision.

Resource implications

There are no new financial and/or human resource implications arising from this decision

Conflict of interest

The decision-maker does not have an actual or perceived conflict of interest as relates to this decision.