

PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (b) against a refusal to grant planning permission

Report to the Minister

By Sue Bell MSc., BSc, FCIEEM, CEng, CWEM,
An Inspector appointed under Article 107

Appellant: David Voisin

Planning application reference number: P/2024/0962

Date of decision notice: 29 January 2025

Location: 51 - 53 Colmar Brasserie & Café, King Street, St Helier.

Description of development: Retrospective Application: Extension of Al Fresco area with the formation of New Balustrade and 2No. new Awnings.

AMENDED DESCRIPTION: replace balustrades to existing alfresco area (associated with Colmar Restaurant and Brasserie) with adjustable glass screens. RETROSPECTIVE: Install steel posts and frame with retracting roof and adjustable awning blinds to same area. Install additional balustrades with adjustable glass screens, steel posts and frame, retracting roof and adjustable awning blinds to the north-west of the existing, to form similar enclosed structure. Install horizontal frame elements between proposed roofs and Café Colmar building. Change of use of public land enclosed by structures to Class B - cafes and restaurants.

Appeal procedures and dates: unaccompanied site inspection (14 & 15 May 2025) & hearing (15 May 2025).

Date of Report: 16 June 2025

Introduction and relevant planning history

1. The appeal is related to proposals associated with Colmar Brasserie and Café. In summary, these seek retrospective permission for the creation of a new external seating area, defined by balustrades with adjustable glass screens and covered by an retractable awning. In addition, permission is sought to install a matching awning and balustrades around the existing, consented, external seating area.
2. The proposal was determined by the Infrastructure and Environment Department (the Department) using delegated powers. The Decision Notice (29 January 2025) lists three reasons for refusal:

“1. The proposed structures which will result in a permanent unacceptable loss of public open space fail to respond to the surrounding context, enhance the unique character of the area or make a positive contribution to the strategic concepts of the Plan for Town, which includes the restoration of natural connections and safeguarding public open space. This is contrary to Policies SP3 and PL1 of the Adopted Bridging Island Plan 2022.

2. The proposed structures by virtue of their mass, location and proximity to Listed buildings and Listed features fail to protect the setting of historic environment which includes an adjacent full row of Listed buildings. This is contrary to Policies to [stet] SP4 and HE1 of the Adopted Bridging Island Plan 2022.

3. The proposed structures result in the loss of a significant proportion of the pedestrian thoroughfare in Broad Street and prevents a clear and safe passage across this public realm. This is contrary to Policies TT1 and TT2 of the Adopted Bridging Island Plan 2022.”

3. The site’s planning history is summarised in the officer assessment report prepared by the Department. This indicates that permission P/2013/1481 was granted, which allowed for the erection of a glazed screen to the perimeter of the existing alfresco area.

The appeal site and proposed development

4. The appeal site is located on an area of paved public space, which lies between a parade of commercial premises including Colmar Brasserie to the north and a stone clad pavilion, now used as a café to the south. The proposals would be related in the middle of this pedestrianised area.
5. The appeal site includes an existing, consented, alfresco seating area. The proposals seek to replace the existing balustrades with adjustable glass screens and seek retrospective permission to install a retracting roof and adjustable awning blinds. In addition, retrospective permission is sought to establish a second external seating area to the north-west of the existing area. This would be defined by adjustable glass screens, retracting roof and adjustable awning blinds and require consent for a change in use of the public land enclosed by the structures. The proposals also include for installation of horizontal frames between the covered seating area and the café.

Case for the appellant

6. The appellant’s grounds of appeal can be summarised:
- The development proposed has been carefully designed to accord with the policy considerations of the Bridging Island Plan, 2022. It is considered that the development proposed accords with the Government of Jersey’s requirements for high quality development in the Town of St Helier.
 - The development proposed has been designed to contribute to the business of Colmar and its contribution to the economy of The Town of St Helier in accord with policies of the Bridging Island Plan including policies SP3, SP4, SP6 and PL1.
 - The development has been designed to contribute to the vitality and life of the Town of St Helier in accord with the Bridging Island Plan 2002 including policies SP3, SP4, SP6 and PL1.
 - The decision fails to understand the temporary and non-permanent nature of the development which is proposed, which can easily be maintained and upgraded as necessary and removed if the use falls away.
 - Policy HE1 of the Bridging Island Plan 2022 sets an extremely high bar. It is one policy consideration which needs to be assessed with reference to all policies. The appellant does not agree that the development is so harmful to the historic character of the Town of St Helier to justify refusal.

- The development proposed has been supported by the relevant highway authorities. It is not agreed that the development proposed is contrary to policies TT1 and TT2 of the Bridging Island Plan, 2022.

Case for the Department

7. In addition to the reasons for refusal, the Department noted:
 - The overall siting, size and massing of the structure, as well as reducing the amount of public space available for pedestrians, would not protect or improve the historic character of the area and not make a positive contribution to the character of the area contrary to policies SP3, SP4, PL1 and HE1 of the Bridging Island Plan 2022.
 - Support for the proposals within policy SP6 needs to be balanced against the other Island Plan policies. Economic benefits can still be achieved with a differently designed and sited/sized development. It is not a case of either this exact development or no development.
 - The proposal is not considered to be temporary in construction or in how it will function. The structures would be of permanent appearance. The steel posts would remain in situ. The structures would remain in situ providing a permanent barrier to movement for pedestrians in the area.
 - HET objected to the proposals and considered that they would have a significant adverse impact to the setting of the nearby Listed buildings.
 - The café structures are sited centrally in the space and impede the use of this area for pedestrians including the elderly and wheelchair users. It would prevent the use of part of the existing pedestrian network, contrary to policies TT1 and TT2. IE Transport's comment is caveated on meeting the listed conditions and no details on these items were submitted during the application process.

Consultations

8. **Environmental Health** (1 October 2024) did not object to the proposals but requested further information. It sought information about the hours of opening of the new Alfresco area; details of any plant machinery (e.g. AC units) that had been installed; and details of the scheme of external lighting. It also noted that 'Generic Detail A' which is referenced in 'Drawing Title: Proposed Alfresco Awning and Balustrade with Utilities' did not appear in the applicant's listed documents.
9. The **Parish of St Helier Roads Committee** (16 October 2024) expressed support for the application. It noted that the applicant is aware that the al fresco area is licensed by the Parish and that if adjacent premises apply to the Parish requesting an al fresco area, then the area allocated to the appellant may be changed. Additionally, it was noted that the application should be referred to the Infrastructure & Environment Department as the road in front of the property is a government main road.
10. **IHE Transport** (18 October 2024) did not object to the proposals. It noted that the applicant must ensure that public access remains unobstructed when not in use and that it does not interfere with pedestrian, cyclist and the movement of mobility impaired people. The response also requested the applicant to enter into a permanent Developer Highway Agreement in relation to various matters: compliance with health and safety laws and regulations; impact of balustrades on pedestrians, particularly those with limited mobility; impact of any excavations, including drill holes, anchorage, or similar, in the public highway; impact on street lighting by any obstructions within Café Colmar's Chose Publique; impact on access for emergency

services caused by Café Colmar's Chose Publique; impact on access for maintenance of the public highway by the highway authority for maintenance; impact on access for utility companies for maintenance of their assets; condition of the highway asset when it is returned to the Highway Authority; power supply; and issues arising if Café Colmar Limited cease trading (en désastre).

11. The **Historic Environment Team** (21 November 2024) objected to the proposals. It noted that the proposed enclosures are in front of a row of Listed buildings and adjacent to the historic pavilion and obelisk. It is one of St Helier's most characteristic and attractive public spaces, formed of what was originally the main street of the town. The preservation of the street pattern is important for the legibility of the settlement's early development. The proposals are considered to block views of the Listed buildings. The structures extend well above head height, blocking views of the buildings beyond and extend along a significant extent of the frontage. The arrangement is not related to the shop frontage in its layout, form or materials. This creates a significant adverse impact to the setting of the Listed buildings, which has not been assessed through a Heritage Impact Statement, as required for applications which affect the setting of Listed buildings or places.

Representations

12. Thirteen representations are listed on the planning register website. Twelve of these (from eleven households), object to the proposals. These can be summarised as:
 - Scheme is retrospective.
 - May set precedent.
 - This is one of the most significantly linked spaces in St Helier - almost all the surrounding buildings are Listed.
 - Negative impact on nearby Listed buildings.
 - No Heritage Impact Statement or Townscape Visual Impact Assessment been submitted.
 - The design is not sympathetic to the listed architecture.
 - Structures intensify congestion and restricts flow of pedestrian activity.
 - Pedestrians relegated to space left over by a commercial enterprise.
 - The colour scheme on the extension does not match the existing colour schemes and does not look aesthetically pleasing.
 - The screens and awnings make the area look tatty.
 - Adoption of public space by a private business.
 - Public space should be an area open to the public.
 - Physical barriers should be retracted and stored - not permanent.
 - The Choses Publiques Law was to allow business to use public areas for a limited time to enable dining in the fresh air - not to allow businesses to monopolise in a permanent fashion.
 - It is a permanent structure.
 - It is a building, not al fresco.
 - Size of structure is intrusive and impacts on public amenity space.
 - There are health and safety hazards.
13. Supportive comments can be summarised as:
 - Retrospective application should not stop permission being granted.
 - Hopefully this will be a first of many similar al fresco designs to be approved in town.
 - A clarification of the rules with regards to smoking / consumption of drinks and live music licences would be beneficial.

- The structure under consideration has helped the area enormously from a ‘vibrant St Helier’ point-of-view.

Inspector’s assessment

14. Article 19 of the Planning and Building (Jersey) Law 2002 as amended states “*In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan*”. Planning permission may also be granted for proposals that are inconsistent with the Island Plan if there is sufficient justification for doing so. In reaching a decision, all material considerations should be taken into account.
15. The current Island Plan is the Bridging Island Plan, March 2022 (‘the Island Plan’). Having regard to the policies within that plan, the reason for refusal and the grounds for appeal, and points raised in representations, I conclude that the determining issues in this appeal are:
 - The design of the proposals and effect of these on the public realm.
 - The effect of the proposals on listed buildings
 - The effect of the proposals on access.
 - The economic benefits.

The design of the proposals and effect of these on the public realm

16. The appeal site is in a prominent location and forms part of a busy and well-used thoroughfare. It is surrounded by listed buildings (which I consider further below) and the street layout has historical importance.
17. Policy SP3 - Placemaking seeks that all development must reflect and enhance the unique character and function of the place where it is located. New development must contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes. It also sets out circumstances where development will be supported. These include that the development is responsive to its context to ensure the maintenance and enhancement of identity, character and sense of place; and that it achieves the highest standards of accessible and inclusive design having regard to the needs of those with disabilities, is well connected, and creates successful and comfortable public and private spaces, supporting wellbeing and healthy living, and enabling successful integration into a place.
18. Policy PL1 - Development in Town, states development within town must have regard to and consider how it will respond to the ‘Plan for Town’ and will be supported where it makes a positive contribution to the strategic concepts of the ‘Plan for Town’. I have also been directed to the preamble to the policy, which includes the ‘Plan for Town’, which references an aspiration to safeguard all existing public open space in Town.
19. In its response to the appeal, the Department has also referenced Policy SP4 - Protecting and promoting island identity, which gives a high priority to the protection and promotion of the island’s identity. This is achieved by ensuring that development should protect or improve the historic environment and that it should respect the townscape character of the area in which it is proposed to be located and to make a positive contribution to the local character and distinctiveness of a place.

20. The appeal site is in a busy area of Town and forms an important east-west link. The already consented seating area occupies an area of 69.5 square metres. The proposed development would occupy an additional 49 square metres. Cumulatively, I find that these areas would occupy a substantial proportion of the pavement lying between the café building and the row of buildings along King Street to the north, reducing the space available for public passage.
21. I saw that there are already several items of street furniture in the vicinity of the proposal, including large planters and associated benches, streetlamps, phone boxes and litter bins. The proposed seating area is located close to some of these features. For example, the western edge of the proposed seating area is close to the public bench and planter. I observed that this results in an uncomfortable and cluttered arrangement, which acts to further reduce the amount of space available for transit through the area.
22. I am not persuaded by the appellant's view that the design of the structures is 'lightweight'. The coloured awnings would be conspicuous features. The supporting structures for the awning and screens would appear sturdy and permanent. The concentration of tables, chairs, greenery and lighting within the boundary of the seating areas would also add to the appearance of a permanent structure. The design of the proposed awnings would introduce new structures and colours into the streetscape, which do not appear sympathetic with the design of the existing street furniture, or the setting of the adjacent listed buildings. Thus, I do not find that the proposals are responsive to their context or create aesthetically pleasing places.
23. The appellant has stressed the temporary nature of the structures. Whilst I accept that the supporting posts could be demounted, the baseplates would remain. Also, it is clear from their construction and design that these are not features which are intended to be removed when the café is not open. Indeed, the appellant stated at the hearing that it would take around a day to remove the structures. The nature and quantity of interior furnishings, including tables and chairs, also indicate that this is a more permanent structure, not designed for frequent removal.
24. Whilst not specifically referenced in the reasons for refusal, the provisions of policy GD6 - Design quality are considered within the Officer Assessment Report and the Department's response to the appeal. This policy seeks a high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting. It sets out factors that design should address successfully including the relationship to existing buildings, settlement form and distinctive character of a place; and its impact upon neighbouring uses, including land and buildings and the public realm.
25. I saw that the character of the area is strongly influenced by the concentration of listed buildings (which I consider further below) and open space. I have concluded above that the design and colour of the proposals would not respond well to their context. They would reduce the amount of space available in the public realm and there would be an uncomfortable and cramped relationship with the existing street furniture. Overall, I find that the proposals would not represent a high quality of design, which contributes positively to the distinctiveness of the built environment.
26. I have been directed to the 'Plan for Town', which is referenced in the preamble to policy PL1 - Development in Town. I note that this is based on three themes: connect town, enliven town, and enhance town, which are each supported by concept statements. The importance of safeguarding all existing public open space in Town

is referenced in these, together with support for daytime and evening economy uses in St Helier. I understand that there is a desire to consider the character of an area in terms of its use and function of places, not just appearance. I saw that the area is characterised by bustle, movement and passage of people through the area. Whilst I accept the proposals would support the daytime and evening economy and provide places for people to socialise, this would be restricted to customers of the café at the expense of the amount of public open space accessible to all. It would also introduce additional obstructions along a heavily used thoroughfare.

27. I understand that the proposed location for the seating areas has been determined by the Parish, who issue a licence for use of the land. I also acknowledge the views of the Constable of St Helier at the hearing that the Parish is supportive of the proposals. Nevertheless, licensing of the land from the Parish is a separate consenting process to that of planning, and I am required to assess the proposals within the context of the Bridging Island Plan.
28. In conclusion, for the reasons set out above, I find that the proposals would fail to reflect and maintain or enhance the unique character and function of the area or to integrate well into their surroundings, contrary to the provisions of policies SP3, SP4, PL1 and GD6.

The effect of the proposals on listed buildings.

29. Policy HE1 sets out that “*proposals that could affect a listed building, or place, or its setting, must protect its special interest.*” Proposals that do not protect a listed building or place, or its setting will not be supported unless certain criteria are met. This assessment is made with regard to the comparative significance of the listed building or place or its setting and the impact of the development on that significance. In all cases applications must be supported by sufficient information to enable the likely impact of proposals to be considered, understood and evaluated.
30. The response from the Heritage Environment Team (HET) referenced six listed buildings (Grade 3 and Grade 4) as lying adjacent to the proposed development. However, further information has been provided in response to the appeal, which shows that the proposal site is bordered to both the north and south by listed buildings and there are further listed buildings to the east. Hence, the proposed development forms part of the setting of several listed buildings.
31. The closest listed buildings to the north form part of a parade of buildings of similar age. This includes Colmar restaurant. The special interest of these buildings is described as ‘contributes character to the streetscape’ or ‘adds character to the streetscape’ or ‘contributes to the scale and rhythm of the streetscape’ or ‘contributes to the character of this section of Broad Street’. The special interest of the building to the south, which houses the Colmar café, is described as ‘this little building adds character to the street’. Thus, I conclude that the special interest of the listed buildings relates, in part, to their contribution to the overall streetscape, and changes to this have the potential to affect the special interest of several listed buildings.
32. Policy HE1 recognises that the setting of a listed building or place is not fixed and provides for sensitive change to occur, providing that the special interest of the listed building or its setting is maintained. The HET has identified that the preservation of the street pattern is important for understanding the settlement’s early development, especially east-west along the natural shoreline. It has also

suggested that the street arrangement allows for a high degree of inter-visibility between listed buildings.

33. Whilst the glass screens of the seating areas would be transparent, I find that the totality of the development, including the awning, support posts and enclosed seating, would create a feature that appears permanent. There have been changes to the listed buildings at ground floor level. Nevertheless, the location and arrangement of the seating area - which would project across several shop fronts, would obscure views of the southern face of the terrace of listed buildings. The proposals would inhibit an appreciation of the inter-relationships between the assemblage of listed buildings to north, south and east of the proposals.
34. The appellant did not provide a Heritage Impact Statement to support the application but supplied one for the appeal. The HET has had an opportunity to comment on this. I note that the appellant's Heritage Impact Statement assesses effects on a more restricted number of listed buildings and does not explain, adequately, why it is concluded that the proposals would not lie within the settings of all the listed buildings in the immediate vicinity. From my observations, the proposed development is prominent within the setting of the listed buildings grouped around the open space towards the eastern end of Broad Street. For the reasons set out above, I conclude that the proposals would fail to protect the special interest of the listed buildings and their settings which lie to the north and south of the proposed development and hence are contrary to policy HE1.

The effect of the proposals on access

35. Policies TT1 - Integrated safe and inclusive travel and TT2 - Active travel are referenced in the third reason for refusal. Policy TT1 seeks to support development that is safe, inclusive and accessible to all users and modes of transport, whilst policy TT2 seeks to make walking and cycling more attractive. Development which would result in the loss of or prevent the use of any part of the existing network for pedestrians and wheelchair users, will not be supported unless alternative routes are provided.
36. The Parish has not objected to the proposals but indicated that IHE Transport should be consulted as the road in front of the property is a government main road. Whilst IHE Transport has not objected, it has identified matters for which it was seeking further assurances. I am not aware that this information has been provided.
37. Additionally, IHE Transport has identified that public access should remain unobstructed when the café is not in use and that the development should not interfere with pedestrian, cyclist and the movement of mobility impaired people. As noted above, the structures are not designed to be removed when the café is closed.
38. The proposals would extend the seating area further west to almost reach the planter and associated benches, effectively turning this busy thoroughfare into two, narrow passages, north and south of the proposed al fresco seating areas. The proposed design means that those walking the 'south' route would be required to walk under the frame connecting the awning to the café and negotiate waiting staff moving between the café and seating area. At the time of my site inspection, the width available in this 'southern' route was further curtailed by the presence of a mobile cutlery store placed against the exterior of the café. I find that these factors would both alter the space available for pedestrians and wheelchair users, but also

potentially alter public perception of access to the route adjacent to the café and may act to ‘funnel’ users closer to the north, adding to potential congestion there.

39. I have been assured by the appellant that the remaining space is adequate to accommodate wheelchairs and buggies but have not been provided with any figures as to how the available space relates to standards for access. Based on my observations and the information provided, I consider that the proposals would result in the loss or prevent the use of part of the existing network and could compromise the safety of users and hence is not consistent with policy TT2. The absence of further information in relation to the concerns of IHE Transport, means that compliance with policy TT1 has not been demonstrated.

Other matters

Economic benefits

40. I have already referred to Policy PL1 - Development in Town and the supporting ‘Plan for Town’. The policy identifies that Town will provide land and development opportunities to meet much of the island’s development needs. It also notes that development in Town must have regard to and consider how it will respond to the ‘Plan for Town’. The ‘enliven Town’ concept statement of that plan, identifies policies within the Bridging Island Plan which help to promote and support the town centre, including daytime and evening economy uses. One of these is policy SP6 - Sustainable Island economy, which gives a high priority to the creation and maintenance of a sustainable, productive and diverse economy. This includes for economic development that supports and enhances the vitality and viability of Town as a place to shop, work, do business and visit. Further support for daytime and evening economy uses is provided through policy ER4 - Daytime and evening economy uses. This includes support for proposals for extended uses associated with the daytime and evening economy within St Helier town centre, providing it does not have an unacceptable impact on neighbouring residents and uses.
41. The appellant has explained the operation of the café business and how this is weather-dependent. I understand the role of the screens and awning to extend the period of operation of the business, aiding its viability. I accept that al fresco dining is identified as a way of promoting the vitality of Town and that there are other al fresco dining opportunities in the wider area. However, I saw that these appear to be smaller in scale and are more closely related to the respective frontages of these premises.
42. Overall, I conclude that the proposals would contribute to the daytime and evening economy and the vitality of Town, consistent with the provisions of policy SP6 and policy ER4 and hence they gain some support from these policies. Whilst promoting the daytime and evening economy is consistent with the ‘enliven Town’ concept of the ‘Plan for Town’ identified in policy PL1, they would also have effects on neighbouring uses and the public realm in terms of passage through the area.

Public realm improvements

43. I have been directed to the Public Realm Improvements planned for Broad Street and provided with a letter confirming that works to implement improvements to Broad Street between Lloyds Bank and the Post Office will commence in late August 2025. I acknowledge that these improvements would clarify the pedestrian priority area along Broad Street. Nevertheless, these improvements relate to land beyond the appeal site. They would not alter the loss of public space arising from the proposals.

Planning Obligation Agreements and conditions

44. I invited parties to submit a list of any Planning Obligation Agreements and conditions that should be appended, should permission be granted.
45. The Department proposed two conditions. The first would limit use of the screens to between 1 April and 30 September each year and require them to be removed outside these times. I am not persuaded this would be reasonable, given the purpose of the proposals is to enable year-round operation of the business. In addition, the current wording of the condition does not include the awnings, but this could be amended.
46. The Department's second proposed condition would require submission and approval of details of external lighting. I saw that there are public streetlights close to the edge of the proposal site. The appellant has indicated it would not require any external lighting. Whilst I understand that this is a standard condition, I am not persuaded that it would be necessary.
47. The Environmental Health Department had requested further information on various matters, including opening hours. At the hearing, the Department confirmed that opening hours of the existing café were currently controlled through the Parish licence, and it would not usually seek to 'double-up' on conditions. I agree there would be no need to duplicate the work of another regulatory process.
48. The response from IHE Transport had also sought further information on various matters and had suggested a Developer Highway Agreement. I am not aware that this information has been provided. Consequently, there is insufficient information to determine whether a condition or any form of legal agreement is needed.
49. The appellant proposed four conditions. The first of these related to opening hours, which I have addressed above. The second would require that awnings and screens be retracted when not in use. This would not address concerns about loss of public open space or result in removal of the structures. I am also not persuaded that it could be enforced.
50. Proposed condition 3 would require removal of the tables and chairs from within the café if it were not used for more than 7 consecutive days. I am not persuaded that this would address the effects on local character or listed buildings, or access to the public realm, which were identified above or that it could be enforced.
51. The appellant's proposed fourth condition would require the structures to be removed from site if they become redundant and disused. I agree that this would be necessary but would not act to make the proposal acceptable during its lifetime.

Analysis and conclusions

52. The proposal is within Town and would contribute to the daytime and evening economy and would gain support from policies SP2 spatial strategy; SP6 sustainable island economy and ER4 Daytime and evening economy uses. Thus, subject to detailed matters the principle would be acceptable. I have concluded that the proposals would not be of a high quality design; they would result in the loss of some public open space with implications for access by those walking and in wheelchairs; and the effects of the proposals within the setting of several listed buildings would not be consistent with the provisions of policy HE1.

53. The introduction to the Bridging Island Plan notes that when determining whether a proposal is in accordance with the plan, it is important to have regard to the plan as a whole and not treat any policy in isolation. It acknowledges that it is likely that some policies can, seemingly, pull in different directions, commenting: *“This is not a flaw in the system, but simply a product of a complex and wide-ranging plan, and a reflection of the natural tensions that arise in seeking to meet the community’s economic, social and environmental objectives. It is for the decision maker to carefully balance the planning merits of a development proposal with the policy requirements of the plan.”* It continues *“Where policy conflicts do arise, a reasoned judgement must be made as to whether the wider benefits of a proposal outweigh any policy considerations provided by the Island Plan. This should only happen where there is considered to be sufficient justification to do so, as set out in the Planning and Building (Jersey) Law 2002.”*
54. The appellant has highlighted several plans and policies published by the Government of Jersey, which have been brought forward since the Bridging Island Plan was published. These include the Government Plan 2024-27, Common strategic Policy 2024 - 2026, Future Economy Programme (2023), and Future-Fit Retail Roadmap: Re-imagining purpose, embracing opportunity. The appellant has also directed me to a recent speech by the Minister for the Environment, where he expressed a view that more weight should be given to economic matters in land-use decision making (speech to Chamber of Commerce 12 February 2025).
55. I have considered these matters. I note that they provide support for economic development and highlight the importance of revitalising Town, but there is nothing to suggest that this support is unqualified or intended to undermine consideration of proposals against the policy provisions of the Bridging Island Plan as a whole.
56. As noted above, Article 19(1) of the Planning and Building (Jersey) Law 2002, requires decisions to be made in accordance with the Island Plan, unless there are material reasons not to do so. Thus, first, it is necessary to determine whether the proposal would be consistent with the Island Plan. For the reasons set out above, I conclude that they would not. I accept that the Minister’s statement is a material consideration. However, I have no evidence of the status of that statement including whether it is approved policy. Nevertheless, based on my assessment, the economic benefits of the proposals (which would be mainly enjoyed by the appellant) would not outweigh the disbenefits to the local character and distinctiveness of the area, the setting of the listed buildings, or the wider public in terms of loss of public open space and effects on access.

Recommendations

57. I recommend that the appeal should be dismissed, and that planning permission should be refused. Should the Minister disagree with my recommendation, then the scheme would require Planning Obligation Agreements and Conditions as set out in paragraphs 44 - 51 above.

Sue Bell
Inspector 16 June 2025