

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal decision: P/2023/0222 (Land formerly known as 'The Firs', Le Mont Sohier, St. Brelade)
Minister	Health and Social Services
Signatory	Minister
Lead Department	Cabinet Office
Lead Directorate	Housing, Environment and Placemaking
Ministerial Decision Summary: Public or Absolutely/Qualified 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	21/02/2024
Supplementary Report Title <i>(If applicable)</i>	Inspector's report – Land formerly known as 'The Firs', Le Mont Sohier, St. Brelade
Supplementary Report Author <i>(If applicable)</i>	Philip Staddon BSc, Dip, MBA, MRTPI
Date of Supplementary Report <i>(If applicable)</i>	20/12/2023
Ministerial Decision Report: Public or Absolutely/Qualified 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>	P/2023/0222
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.

Detail

Following an appeal against the refusal of planning permission, reference P/2023/0222, Philip Staddon was appointed as the independent Planning Inspector to consider the appeal and all statements and other plans and documents associated with the appeal.

The Inspector visited the site and surroundings before holding a hearing and, subsequently, preparing and submitting a report for the Minister's consideration.

The Minister for the Environment and the Assistant Minister for the Environment are conflicted in relation to planning application P/2023/0222 and are unable and unavailable to determine the associated appeals.

It is the Planning Committee's decision that is being appealed. Given that the Minister for the Environment was a member of the Committee when the decision was taken, it is considered that he is conflicted in relation to determining the appeal. As the planning application site is within the Parish of St. Brelade, the Assistant Minister for the Environment, the Connétable of St. Brelade, is similarly conflicted as it would be inappropriate for the Assistant Minister to determine appeals in the parish of which they are also Connétable.

Both the Minister for the Environment and the Assistant Minister have, accordingly, recused themselves from determining this appeal.

In accordance with Article 27(2)(b) of the States of Jersey Law 2005, the Chief Minister has decided to designate another Minister, this being the Minister for Health and Social Services, to make a decision on the appeals in respect of planning application P/2023/0222.

The Minister for Health and Social Services was appointed as decision-maker entitled to make a decision against which a right of appeal lies under Article 108 of the Planning and Building (Jersey) Law 2002.

The Minister has given full consideration to the appeal papers, Island Plan policies, supplementary planning guidance and the Inspector's report.

Having considered all aspects of the appeal the Minister decided to give full effect to the Inspector's recommendation.

Recommendation

To allow the appeal in line with the Inspector's recommendation, and to grant planning permission, reference P/2023/0222, subject to the conditions specified in the accompanying Schedule of Conditions.

End