



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

Amending your application proposals or attaching a condition to a permission will not overcome the reasons for refusal, you should make a fresh application. These are not valid reasons for lodging an appeal.

The Minister's Decision on the appeal will be published on gov.je.

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:

Appeal against refusal to grant or refusal to vary Planning Permission for a: <ul style="list-style-type: none">• major development* (see below for definition)• minor development	£1,810.00 £566.00
Appeal against approval of Planning Permission	£566.00
Appeal against imposition of a condition or refusal to vary or remove condition	£566.00
Appeal against refusal to issue Certificate of Completion	£566.00
Appeal against refusal to grant permission under of Building bye-laws	£566.00
Appeal against refusal to allow work to or activities on Sites of Special Interest	£566.00
Appeal against refusal of Caravan Permission	£566.00
All other appeals	£112.75

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, together with a copy of the Decision and the relevant fee. Forms should be sent to:

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

or by email to planningtribunal@courts.je

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 applicant (if a third party appeal) and Infrastructure, Housing & Environment (IHE) and all other interested 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 published on gov.je for all interested parties involved in the appeal. The Appellant, Applicant (if a third party appeal) and IHE will have a further 14 day period to allow any responses to be made in relation to other parties 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.

Paper forms are available from:

Judicial Greffe
Royal Court Building
Royal Square
St Helier
JE1 1JG

The Tribunal Service
First floor
International House
41 The Parade
St Helier
JE2 3QQ

CONTACTING US

For general enquiries our contact details are:

Tribunal Service

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

Telephone: 01534 441380

Email: PlanningTribunal@courts.je

*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.