

Jersey planning appeals: your questions answered

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Who can appeal?

You can appeal against a decision if you have been refused planning or building permission or disagree with a condition attached to a planning or building permission; or you own or occupy a building or land where a building, place or tree has been listed.

You can also appeal if you have made a written statement about a neighbour's application where planning permission has been granted, and reside or have an interest in land within 50m of the application site.

What are the costs?

An appeal against the refusal to grant or vary planning permission for a major development is £1,681 and for a minor development is £525.30. An appeal against the grant of planning permission (otherwise known as a third party appeal) is £525.30.

Where do you submit an appeal?

You must fill in the "Appeal of a Decision Form" which you can download from the planning section of the States of Jersey website and submit the form to the Judicial Greffe with the applicable fee (as set out below). In the first instance you just provide a brief outline of why you disagree with the decision, identifying all relevant issues.

When can you appeal?

You have 28 days beginning with the date of the decision to appeal against it. The date of the decision can be found on the decision notice. The time limit is strictly applied and only in the most exceptional cases can an extension of time be granted.

How does the appeal process work and how long will an appeal take?

Once the appeal is accepted an independent inspector will be assigned. Some appeals can be considered based on written statements but the majority will involve a hearing chaired by an inspector.

Once the appeal is accepted you have 28 days to submit your statement of case giving your full argument for appealing including all supporting evidence and documentation. If the appeal isn't accepted the Greffe will explain why, for example a late submission. All involved parties will then receive each other's cases from the Greffe and will have 14 days to respond. You will not be able to raise any new issues at this point that weren't raised in your initial statement.

The inspector will consider the appeal and make a recommendation to the Minister for the Environment. The Minister makes the final decision and can choose to follow or depart from the recommendation, but a reasoned explanation must be provided where the Inspector's advice is not followed. Once the Minister makes a decision on your appeal, the Greffe will inform all parties of the outcome.

The Greffe state that decisions on appeals can be expected around 10 weeks from the date the appeal was accepted but it should be noted that this time frame is dependent on the number of other appeals at the time.

The Ogier planning law team has considerable experience of dealing with the Jersey planning appeal inspectors, making us best placed to represent both applicants and appellants and to bring greatly improved prospects of success. Contact the team today at info@ogierproperty.com, call 01534 514056 or visit our dedicated property website at www.ogierproperty.com/jersey

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