

## Appealing against a Planning or Building decision in Jersey



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### Introduction

**This briefing note is intended to provide an overview of the Planning Appeal System in Jersey. More detailed guidance or advice on the specific legislation is available on request.**

### How long do I have to appeal a planning or building decision?

There are strict deadlines involved in appealing against a planning or building decision in Jersey, so it is essential to ensure that your consultants and lawyers are instructed in good time.

Your appeal must be filed within 28 days of the date of the planning or building decision or notice. Be wary of the timing! The date of the decision (which can be found on the Department of the Environment's Decision Notice, or on any other notice requiring action) is counted as day one. For example, if a decision is dated 01 January 2018 your appeal must be received by close of business on 27 January 2018.

This time limit is strictly applied and extensions of time are only granted in the most exceptional cases.

### How do I start an appeal?

To start your appeal, you need to complete the relevant appeal form and submit it to the Judicial Greffe, with the applicable fee. The appeal forms are available from the Judicial Greffe at the Royal Court House, Royal Square or you can download them from the planning pages of [www.gov.je](http://www.gov.je). At this stage, you just need to provide a brief outline of why you disagree with the planning or building decision (your Initial Appeal).

Straightforward appeals can be determined by just the Inspector considering the written papers; more complex matters will involve a hearing chaired by the Inspector, who then makes a recommendation to the Minister for Planning and Environment (the Minister), who is responsible for the final decision. If you would like a hearing, you can ask the Inspector to consider this in your appeal form.

If your Initial Appeal is accepted by the Judicial Greffe, there is a further period of 28 days to enable you to submit full details of the reasons for your appeal. If your Initial Appeal is not accepted, the Judicial Greffe will tell you why.

### Who can appeal?

You can appeal against a planning or building decision or notice if:

- you have been refused planning or building permission;
- you disagree with a condition attached to a planning or building permission;
- you have made a written statement about an application where planning permission has been granted, and you live or have an interest in land within 50 metres of the application site;
- you have received a notice requiring action (eg. an enforcement notice)
- you own or occupy a building or land where a building, place or tree has been listed;
- you own or occupy a building or land where the de-listing of a building, place or tree has been refused; or
- you own a building or land where a decision has been made to revoke or modify a planning permission.

### How much will it cost?

The cost of making an appeal is set out on the relevant appeal form. Information on the costs can also be found in the Judicial Greffe's guide.

### How does the Appeal System work?

Once your Initial Appeal has been submitted and accepted, the Judicial Greffe will ask all of the parties to submit their cases. At this stage an independent inspector (the Inspector) will be appointed to consider your appeal.

You have a period of 28 days to submit your case by providing full details of why you oppose the planning or building decision.

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It is very important that all of the issues you intend to rely upon are submitted at this stage, as there is no scope to add to further information or raise new issues at a later date. This is because once the 28 day deadline has passed, everyone involved will receive copies of the other parties' cases and there is then a period of 14 days to enable the parties to comment on the others' arguments.

The Inspector will then consider your appeal.

### **How long will the Appeal take?**

The Judicial Greffe's guidance says that a decision on an appeal is usually issued around 10 weeks after the date the appeal was accepted. However, this timescale may be extended if the Court is dealing with a high volume of appeals.

### **How your Appeal is decided**

The Minister will make the decision on your appeal. The Minister will take advice from the Inspector. The Minister does not have to follow the Inspector's advice but, where the Minister does not follow the Inspector's recommendations, the Minister must explain why. The Inspector's advice to the Minister will be released at the same time that the Minister's decision on your appeal is issued.

Once the Minister has made a decision on your appeal, the Judicial Greffe will let everyone involved know the outcome.

This briefing is only intended to give a brief summary of the subject matter. It does not constitute legal advice. If you would like legal advice or further information, please contact us using the details below.

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