

Jersey's planning appeal system: a survival guide

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The process of making a planning appeal in Jersey can be complex and the deadlines are strict, so early instruction of your consultants and lawyers is essential. This guide is designed to give you an overview of what to expect from the process - in all circumstances you should talk through your particular situation with a lawyer experienced in Jersey property law.

Who can make a planning appeal?

There are a number of factors that qualify you to make a planning appeal. You can appeal against a decision if you've been refused planning permission, if you disagree with a condition attached to a planning or building permission, or if you own or occupy a building or land where a building, place or tree has been listed. You can also make a third party planning appeal against a grant of planning permission if you live or have an interest in land within 50m of the application site and you objected to the original planning application. You can view the full list of who qualifies on the States of Jersey [website](#).

How do I make an appeal and how long do I have to do it?

In Jersey you have just 28 days to lodge an appeal against a proposed development starting with the day of the decision as day one - you can find the date of the decision on the decision notice.

You will need to fill in the 'Appeal of a Decision (Article 108 and 110 of Planning and Building (Jersey) Law 2002) Form' which you can find on the planning pages of the States website or collect from the Judicial Greffe at the Royal Court House, Royal Square.

At this stage you'll just need to provide a brief outline of why you disagree with the decision. If this initial appeal is accepted by the Judicial Greffe, you'll then need to go into more detail. Again you will have a 28 day window to submit this more detailed appeal.

How much does it cost?

An appeal against planning refusal costs £1600 for a major development and £500 for a minor one.

An appeal against planning permission (a third party appeal) is £500.

How strict are the deadlines?

Very. A recent case, *Guest v Minister for Planning and Environment*, reconfirms the importance of meeting deadlines when making a planning appeal. The case concerned a couple who wanted to appeal against the Planning permission granted to their neighbours for a single storey extension and garage to their listed farm house.

The complainant's lawyer advised the couple - wrongly - that they had until 24 February to file their papers. Their planning consultant was not instructed until 22 February and the appeal was not filed until 24 February, 24 hours after the deadline had passed. The Royal Court ruled that the circumstances of the case did not justify an extension.

While the Royal Court has made it clear that the 28-day deadline can be extended if the appeal falls under the category of a civil right issue under Article 6 of the European Convention on Human Rights, this is restricted to exceptional circumstances and raises the bar extremely high for you to lodge an appeal after the 28 days.

How long does the whole process take?

While the Greffe says you can expect a decision around ten weeks from an appeal's acceptance date, the court has to process a large volume of appeals, so a timeframe of four to six months is more likely.

Once your initial appeal is accepted, you then have 28 days to submit full details of your argument - you can't raise any new issues once this is submitted, so it needs to be comprehensive. After this deadline, everyone involved will receive each other's cases and will have 14 days to comment on the other side's arguments.

The majority of appeals will involve a hearing chaired by an independent inspector, who then makes a recommendation to the Minister. More straightforward appeals can however be determined by an independent inspector on the written papers alone. The Minister then makes the final decision.

As you can see, appealing a planning decision is quite an involved process, which requires careful handling at every stage to get the desired result. Seeking specialist legal advice as early as possible is invaluable.

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