

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal Decision: RP/2022/0558 (Secret Garden, Land at Les Ruisseaux House Les Ruisseaux, St Brelade)
Minister	Environment
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	08/07/2024
Supplementary Report Title <i>(If applicable)</i>	<ol style="list-style-type: none"> 1. Inspector's Report: Secret Garden – original report 2023 2. Inspector's Report: Secret Garden – supplementary report 2024 3. Schedule of conditions and reasons for refusal
Supplementary Report Author <i>(If applicable)</i>	<ol style="list-style-type: none"> 1. & 2. D A Hainsworth LLB (Hons) FRSA Solicitor 3. Principal Policy Planner
Date of Supplementary Report <i>(If applicable)</i>	01/06/2023 20/06/2024
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>	RP/2022/0558
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.

Introduction

Following an appeal against the refusal of planning permission, reference RP/2022/0558, Mr D A Hainsworth 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 preparing and submitting a report for the Minister's consideration.

Recommendation

To accept the Planning Inspector's recommendations and to: 1. Allow the appeal in part and refuse part of planning permission, reference RP/2022/0558, in respect of the proposed installation of the solar panels on the roof plane and the installation of the air source heat pump on the north-east elevation and; 2. Dismiss the appeal in part and grant part of planning permission, reference RP/2022/0558, in respect of the proposed external stairs to south elevation, timber cladding to south elevation and to changes to the ground-floor window and door arrangements, the repositioning of a rooflight and the repositioning of internal walls, doors and staircases, subject to the conditions specified in the accompanying Schedule of Conditions and Reasons for Refusal.

Reason for decision

The appeal was originally considered, and allowed in part, by the Assistant Minister for the Environment, Deputy H Jeune (MD-Env-2023-394 – 22/06/2023) as the Minister at that time, Deputy J Renouf, recused himself from determining the appeal as he was conflicted as the appeal site was in his parish.

The appellant, subsequently, submitted an appeal to the Royal Court which adjudged that the Assistant Minister had not sufficiently justified reaching a decision that was not in full accord with the Inspector's recommendations. The Royal Court remitted the appeal decision to the Minister to be retaken ([2023]JRC193).

At the request of the Assistant Minister, to whom the decision making was then delegated, the Inspector submitted a supplementary report which specifically addressed whether there was any potential to screen the proposed solar panels in order that the impact on neighbour amenity could be mitigated to result in the maintenance of a reasonable level of amenity for the neighbour.

The Inspector's supplementary report, dated 20/06/2024, was received and, following a change in the Ministerial Office, the decision-making reverted to the present Minister, Deputy S Luce.

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

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