

PLANNING APPEALS TRIBUNAL

CPA/08/15; Item 2.1-April 15, 2015

IN THE MATTER OF Block OPY Parcel 16

AND IN THE MATTER OF an Application for a 240 sq. ft. office and restroom building,
Cabana and seven (7) signs (F14-0221) (P15-0061)

IN THE MATTER OF THE DEVELOPMENT & PLANNING LAW (2011 Revision)

**AND IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 48(1) OF THE
SAID LAW**

BETWEEN

(1) SHIREOAK LTD

**(2) CHRISTOPHER D. JOHNSON in his capacity as Joint
Executor of the Kenneth Spraggon Estate**

APPELLANTS

AND

(1) CENTRAL PLANNING AUTHORITY (the "CPA")

(2) KEL THOMPSON

RESPONDENTS

CORAM:

MARTHA S. RANKINE DEPUTY CHAIRMAN (CHAIR)
ANDREW GIBB MEMBER
ASTON EBANKS MEMBER

APPEARANCES:

N/A

DATE OF HEARING:

N/A

DECISION

This is the written decision without a hearing and following a meeting of the Tribunal on 9 September 2016.

- (a) The Tribunal confirms the CPA's concession that the 15 April 2015 decision to grant planning permission for development on Block OPY Parcel 16 was an error of law.
- (b) The decision of the CPA dated 15 April 2015 is thereby quashed and set aside.

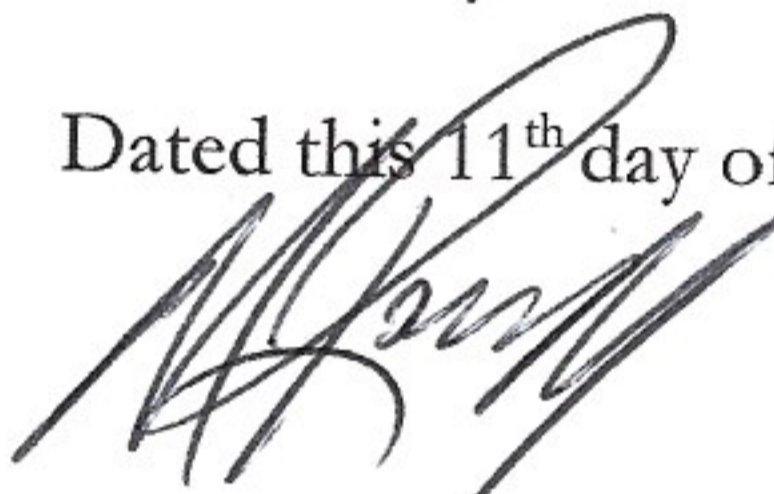
REASONING

The Tribunal accepted the position taken by the CPA through the Attorney General's Office as Counsel in its letter dated 2 September 2016. It was conceded that the CPA fell into error when it sought to grant a variance to the applicant's setback requirements by reference to and application of regulation 8(13) of the Development and Planning Regulations (2013 Revision).

COSTS

Costs to be agreed, failing which the parties are invited to submit written submissions on the question of costs only.

Dated this 11th day of October 2016



Martha S. Rankine
Chairman