

20.12.84

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN

BEFORE THE HONOURABLE SIR JOHN SUMMERFIELD C.B.E., Q.C., J.P.
CHIEF JUSTICE

ON 12 DECEMBER 1984

CAUSE 151/84

APPEAL NO. MISC. 1/84

IN THE MATTER OF THE DEVELOPMENT AND
PLANNING LAW (REVISED)

AND

IN THE MATTER OF RICHARD ARCH ESQ.

Mr. R. Alberga Q.C. for appellant (with him Mr. M. Alberga)
Mr. R. Ground for respondent

JUDGMENT

This is an appeal from the Appeals Tribunal, constituted under section 38 of the Development and Planning Law (Revised), affirming the decision of the Central Planning Authority to refuse permission to develop a project involving the redevelopment of commercial property fronting onto South Church Street and Harbour Drive in George Town. Both the Authority and Tribunal were of the opinion that the proposed redevelopment was generally meritorious and beneficial to George Town. The application and appeal failed on the ground that the proposal made inadequate provision for car parking.

The letter from the Authority communicating its decision (dated 25 August 1983) states:

"While the proposal was considered generally satisfactory, I regret to advise you that the application was refused because of inadequate car parking provision. Seven car parking spaces would be required, although this need not be on-site car parking. A revised submission, to include the required number of car parking spaces would be considered at the first available meeting of the Authority, after submission."

The letter conveying the Tribunal's decision states:

The Appeals Tribunal which met on March 22nd 1984 to hear your appeal from the Central Planning Authority considered