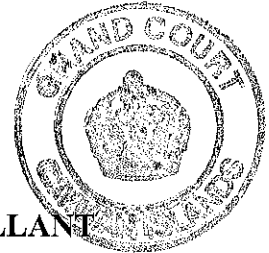


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ³²⁷ OF 2000

IN THE MATTER OF THE DEVELOPMENT AND PLANNING LAW
(1999 Revision) AND RULE 8 OF THE CAYMAN ISLANDS DEVELOPMENT
AND PLANNING (APPEALS) RULES 1985.

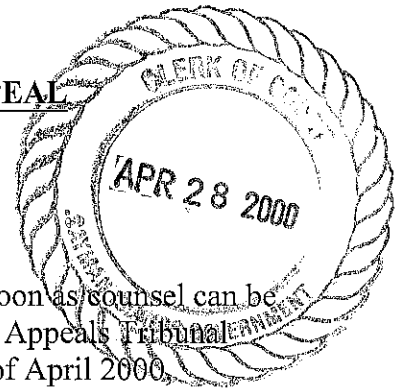
AND IN THE MATTER OF AN APPEAL BY THE
CENTRAL PLANNING AUTHORITY AGAINST A DECISION
OF THE APPEALS TRIBUNAL



BETWEEN: CENTRAL PLANNING AUTHORITY APPELLANT
AND THE APPEALS TRIBUNAL FIRST RESPONDENT
AND JAMES PIERCY JR SECOND RESPONDENT

NOTICE AND MEMORANDUM OF APPEAL

NOTICE OF APPEAL



TAKE NOTICE THAT THE GRAND COURT will be moved so soon as counsel can be heard on behalf of the Appellant on Appeal from the decision of the Appeals Tribunal dated April 17, 2000 and served on the Appellant on the 20th day of April 2000, overturning the decision of the Appellant refusing to grant planning permission to the second Respondent herein for an "after the fact" dwelling unit located above an existing horse stable on Block 28C parcel 155.

MEMORANDUM OF APPEAL

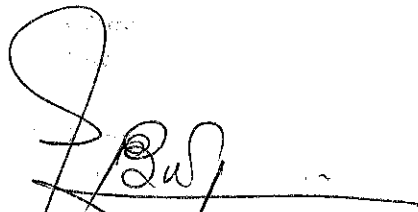
- (1) The Tribunal erred in finding that the Appellant erred in asserting that the subject application was an intensification of an already illegal use which is considered abnoxious and causing offensive odors creating a nuisance and annoyance to others pursuant to Section 8(5) of the Development and Planning Regulations (1998 Revision).
- (2) The Tribunal erred in finding that there was "apparent inability or unwillingness" by the Appellant to take appropriate action as and when it saw fit in relation to the "illegal use."

3. The tribunal erred in finding that there is nothing on the Record of Appeal or in evidence to demonstrate that the existing use is an illegal use and that therefore the subject application, itself is an intensification of such use. Indeed the tribunal appears to be contradicting itself by asserting that there was no evidence that it was an "illegal use", while also alleging that the Appellant was either unwilling or did not have the ability to deal with the "illegal use".
4. The tribunal erred in finding "that there appears to be nothing in the Record of Appeal that even addresses the merits or demerits of the subject structure itself and whether, even, that it was considered at all."
5. The tribunal erred in finding that the Appellant pursued an objective other than that for which the power to make that decision was conferred.

AND FURTHER TAKE NOTICE that the Appellant seeks an order that:

The said decision of the Appeals Tribunal be quashed and the decision of the Appellant be restored.

Dated this 28 day of April, 2000



Solicitor General
Attorney General Chambers
Attorneys-at-Law for the Appellant

TO: The Clerk of the Courts

AND TO: The Chairman of the Appeals Tribunal
The Executive Secretary

Ms. Brenda Archer
Mr. Edmund King

THIS NOTICE AND MEMORANDUM OF APPEAL is filed by the Government Legal Department, Attorneys-at-Law for the Appellant, whose address for service is 4th Floor, Tower Building, George Town, Grand Cayman.