

STATES OF JERSEY

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DRAFT ACT ANNULING THE ISLAND PLANNING (DESIGNATION OF SITES OF SPECIAL INTEREST) (No. 9) (JERSEY) ORDER 2004 (P.109/2004): COMMENTS

**Presented to the States on 20th July 2004
by the Environment and Public Services Committee**

STATES GREFFE

COMMENTS

The statutory and policy framework

1. Sites of Special Interest are designated by the Committee under the provisions of Article 9 of the Island Planning (Jersey) Law 1964, as amended. The protection of Sites of Special Interest is one of the purposes of the Law and is a fundamental requirement of the Granada Convention for the Protection of the Architectural Heritage of Europe, to which the States of Jersey is signatory. Criteria governing the designation of buildings as Sites of Special Interest have been published by the Committee. These form part of the Committee's Interim Policies for the Protection of Historic Buildings 1998, which continue to provide policy guidance in conjunction with policies G11 and G13 of the Jersey Island Plan, approved by the States in 2002. The detailed criteria relating to the selection of registered buildings, including Sites of Special Interest, is set out in Appendix 1. Policy HB4 states–

Decisions to register buildings of architectural interest, or to designate them as Sites of Special Interest, and the determination of appeals against such decisions, will be made solely on the basis of the architectural, historic, archaeological, artistic, cultural or traditional interest of the building concerned.

2. The explanatory text to this policy, which follows the practice established in the United Kingdom over many years, is as follows –

It is important that decisions to register or designate historic buildings are made solely on the basis of their interest and contribution to amenity, and grounds for appeal against decisions to register or designate (and decisions not to do so) should properly be limited to whether the building concerned is, or is not, of architectural or historical interest. What then happens to a registered building is properly a matter for the development control system, taking into account its local or special interest. Planning applications and requests for reconsideration provide the proper context for wider arguments to be advanced. Such a separation of issues is particularly important in Jersey, where a single tier of government is responsible for both decisions.

3. This policy advice was written within the context of legal advice provided by the Solicitor General in 1988, when the Committee was about to consider the designation of the Island Site. The following extracts from that advice are especially relevant –

When the Committee is deciding whether to designate a building as a Site of Special Interest, the relevant consideration upon which it should base its decision is whether the building does or does not have one of the specified special interests [set out in the Planning Law] to a degree which makes it a building of public importance.

Although the Committee is required to take into account any representations made to it by persons having an interest in the building prior to its designation, if, having considered such representations, the Committee concludes that they raise matters which are completely irrelevant to the question whether the building possesses the requisite special interests, the Committee should not found its decision on those matters because if it does the decision will have been founded upon irrelevant considerations.

This does not mean that the Committee will never be entitled, or obliged, to consider the wider planning aspects relevant to the site. The designation of a building as a Site of Special Interest does not act as a bar on any application for its demolition, alteration or extension. If the Island Site is designated a Site of Special Interest, it will still be possible to apply to the Committee for permission to develop the buildings or any part of them, or to alter them in any way, or to extend them in any way. At that stage it will be incumbent on the Committee, in arriving at its decision, to balance the architectural etc interests of the site against wider planning matters such as traffic and transport.

The full text of the legal advice is attached at Appendix 2.

4. If the States decides to annul this designation on grounds unrelated to the building's intrinsic historical and

architectural interest, this would circumvent the usual, and more transparent, public process whereby the owners could bring an appeal against the Committee's refusal of planning permission for the building's demolition to a Board of Administrative Review, or to the Royal Court. Such a decision of the States could have the effect of undermining the Committee's authority in respect of the protection of the Island's Heritage and would be likely to encourage the owners of other Sites of Special Interest to challenge designations properly made by the Committee under provisions of the Planning Law.

5. Article 9(3) of the Planning Law gives to the owner and interested parties a statutory right to make representations to the Committee in respect of a proposed designation. Seymours Limited made full written representations and attended a Committee meeting with their legal and technical advisors in order to present their objections to designation. Before designating La Fantaisie as a Site of Special Interest, the Committee took full account of all the issues raised, which are now reiterated in Deputy Farnham's report and proposition.
6. Before making any order for the designation of a Site of Special Interest, the Committee is required under Article 9(4) of the Planning Law to consult with such persons, or bodies of persons, as appear to it appropriate as having special knowledge of or interest in buildings or places of public importance. The Heritage Advisory Panel is such a body and it has been established specifically by the Committee to provide independent advice on heritage matters. The Panel comprises representatives of the National Trust for Jersey, the Société Jersiaise, the Jersey Heritage Trust, the Association of Jersey Architects, and the Jersey Building and Allied Trades Employers Federation. The members of the Heritage Advisory Panel unanimously support the designation of La Fantaisie as a Site of Special Interest.

The historical interest of La Fantaisie

7. Deputy Farnham claims that La Fantaisie was constructed approximately 100 years ago. But the origins of La Fantaisie lie almost a century earlier, as demonstrated in the Hammond family papers held at the Société Jersiaise, and in documents held at the Public Registry. In February 1823, John Hammond wrote from Jersey to his uncle Nicholas Hammond at St Aubin's, Easton, Maryland to update him on family matters (SJ Library BoxX3 No14). He wrote –
8. *“Since James' last [letter], many changes have taken place in the family; we were then still together at Petite Ménage; but now we are greatly dispersed owing to two marriages – that of my brother James; the other of my brother Thomas. After James' return from France he disposed of Petite Ménage to some advantage and now occupies a small cottage he built about 4 years ago at a small distance from Town, which he calls Fantaisie.”*
9. The evidence points to the conclusion that this 'small cottage' referred to by John Hammond is the building now under consideration. Fantaisie is a very unusual name for a house and it is unlikely that there would be any other properties of this name in the vicinity. We know that the site of the present house is bounded by public roads to the south and west and that it lies on Belvedere Hill. The Public Registry (124:41) records that in September 1817, James Hammond had bought an enclosed field in the same fief in St. Saviour called Le Clos du Dicq, bounded to the south and west by public roads. The census for 1841 lists James Hammond as the head of the house at Fantaisie Cottage, Belvidere, and he is recorded in the almanacs at this address until 1860, when he is superseded in the entries by his wife. Examination of the Le Gros map of St. Helier published in 1834 shows a building on the site of the house we know as La Fantaisie – the drawn outline on that map closely corresponds to the position and form of the older part of the present house. The house then stood in a substantial garden which extended to the east. (See the extract from the Le Gros map at Figure 1) The internal features of the house are consistent with an early 19th century date. This documentary and physical evidence, taken together, leaves little doubt that the property built in around 1819 by James Hammond has survived to the present day and is substantially intact.
10. Petite Ménage, the house occupied by James Hammond until he moved to La Fantaisie also still exists and lies a little to the east of the Merton Hotel, as shown on the aerial photograph at Figure 2. Its façade is shown in Figure 3. Petite Ménage dates from the late 18th century and was built by James Hammond's

father. It is also included in the Committee's Register of Historic Buildings.

11. Further records show that La Fantaisie was retained by the Hammond family until almost the end of the 19th century. A Contract of Accord of August 1862 (PR 227:194) states that during his lifetime James Hammond had made a 'mémoire' of his intentions for disposing of his property but that he died before a will could be drawn up. His widow and heirs agreed to abide by the memoir which provided the following –

the house called Fontenay (where the Merton Hotel now is) and a house or cottage built in the eastern part of Fontenay's garden, and a little house in the north-eastern part of Fontenay's garden, were left to his nephew Reverend James Hammond';

a house called Fantaisie was left to his brother John Hammond, as well as two little cottages bordered on the north by La Ruelle Pavée and the south by Don Road.

12. From 1864 until his death in 1880, the almanacs record that Bailiff John Hammond lived at La Fantaisie, together, for a time, with Mrs. James Hammond. A portrait of Bailiff John Hammond hangs in the Royal Court.
13. In October 1893 Captain Henry James Fairlie purchased La Fantaisie, together with gardens, outbuildings and two small houses to the south, from John Joseph Hammond, who had inherited the property from his grandfather John Hammond in 1880. Fairlie sold the property to Philippe Robin in 1899 but it was sold back to him in 1915. Before 1905 Phillippe Robin had rebuilt the 2 cottages which lie across the road to the south of La Fantaisie.
14. Merton Hotels Limited purchased La Fantaisie in 1937 and it has been in their ownership since that time. During the occupation, the Merton Hotel and La Fantaisie were utilised by German troops, the hotel being used as a hospital.

The architectural interest of La Fantaisie

15. In outward appearance, La Fantaisie has the superficial characteristics of an Edwardian house, with its mock timber-framed dormers and tiled roof. There is a modern addition to the west, built in 1982. But the curious external verandahs supported by cast-iron columns are inconsistent with Edwardian design and the interior of the house points to a much earlier origin. All buildings can be dated by a careful assessment of their layout, their construction, the architectural treatment of features and details, and the use of materials. These can be compared with similar features and characteristics from buildings where the date is known. The detailing of the fireplaces, doors, and windows in the original part of La Fantaisie place the date of the house firmly in the early 19th century. But the general shape and form of the house is quite different from the classical villas and terrace houses which were commonplace during this period (see Figures 4 to 10).
16. It is clear, on examination, that La Fantaisie is an early example of a house in the Cottage Ornée style, an architectural style which became popular in England at the end of the 18th century as part of the wider interest in romanticism and the Picturesque. Few houses of this period in the British Isles have survived, and those that do are usually protected; many are now tourist attractions. An example of this type of historic property is Houghton Lodge in Hampshire, which is now used as a hotel (Figure 11).
17. When it was first built is likely that La Fantaisie was thatched, as this material helped to create the picturesque, rural and romantic image that was so fashionable and desirable at that time. The way in which the dormer windows have been constructed, and subsequently modified, supports this view, as do fragments of straw that have survived in the roof space. A very similar building, called Manor Cottage, and now demolished, stood near to Samarès Manor and is thought also to have been built by the Hammond family who were Seigneurs of Samarès from the mid-eighteenth century. This cottage is illustrated in Figure 12. It appears that the exterior of La Fantaisie was remodelled about 100 years ago when the roof was recovered in tiles and extensions made to the west and to the north. It is likely that this

work was undertaken when the 2 cottages to the south (Fantaisie Lodge and Fantaisie Villa) were rebuilt by Phillipe Robin, as there are close similarities in construction and materials (see Figure 13). Robin also owned La Fantaisie at that time.

18. In the light of the foregoing, there can be little doubt that La Fantaisie is a building of very considerable interest in architectural and historical terms, not just in the Jersey context but in a wider sense, and fully merits its designation as a Site of Special Interest. The Committee therefore seeks the support of the States in maintaining this designation.
19. It remains to be considered, in the light of the Solicitor General's advice, whether there are any other matters raised in Deputy Farnham's report and proposition that are so compelling as to justify the annulment of this Order.

Other matters raised by Deputy Farnham

20. Deputy Farnham states that during the 1950s, 1960s and 1970s within the grounds of La Fantaisie, the creation of the owner's hotel services, workshops, laundry and boiler complex and the development of staff accommodation have taken place as vital components to the owner's business. He states that these developments have at all times been carried out with the full approval of the Planning Department and these gradual developments have in fact curtailed the use to which the property has been able to operate at each stage of its life.
21. It is clear from an examination of the records referred to earlier that the original northern boundary of the domestic garden of La Fantaisie lay only a few metres to the north of the house. The house was intended to face south and east, as the photographs at Figures 4 and 5 show, with the access and service areas lying to the north. The northern domestic boundary was marked by a wall running east and west, parallel to Ruelle Pavée (now called Belvedere Hill) and this still partially survives. A building had already been constructed adjacent to and on the northern side of this boundary during the 19th century. The land north of La Fantaisie is believed to have been bought by Seymours Limited in 1954. It appears that a decision was taken early on by Seymours to concentrate storage facilities, boiler room and laundry in the area immediately to the north of La Fantaisie, as these were already established by July 1964. Effective planning controls did not come into being until the advent of the Island Planning (Jersey) Law 1964 which came into force in April 1965. The former Island Development Committee therefore had limited influence over the development of the Hotel complex and the disposition of buildings until after that time.
22. The former Island Development Committee did, in 1975, approve the development of a two-storey block of staff accommodation within the former eastern garden of La Fantaisie, but this still leaves the property with a substantial garden, in a commanding and elevated position above Belvedere Hill. A domestic extension to the west of La Fantaisie was approved by the former Island Development Committee in 1982, but this has had little impact on the architectural or historical value of the property.
23. In conclusion on this point, the Committee does not accept that the setting of this historic house has been irredeemably damaged by neighbouring development, nor that this can be described as a light industrial estate, as Deputy Farnham asserts. The Committee considers that the setting of La Fantaisie could be recovered and enhanced by a combination of planting along the eastern boundary and some works to buildings on the northern boundary to mitigate the impact of the hotel's service facilities that are sited there.
24. Deputy Farnham goes on to summarise the surveyor's report on La Fantaisie carried out in 1999. None of the stated defects are unusual for a building of this age which has been neglected over a prolonged period. There is no reason why the building should not be in sound condition today if it had been the subject of routine maintenance. Other historic buildings in worse condition are now being refurbished, as is demonstrated by the restoration of 16 New Street in the heart of St. Helier, undertaken by the National Trust for Jersey after being abandoned for many years by the previous owners. That building started its life as an isolated house on the edge of town; it now stands in the middle of a developed commercial street frontage but its inherent architectural and historical interest remains. The historic abattoir within the

Island Site, also neglected for many years, is about to be refurbished for retail and leisure uses.

25. A number of alternative uses have been considered by surveyors on behalf of Seymours Limited, but on the basis that the property will not be sold because of its logistical importance to the group's operations. The logistical importance of the site is not explained. Alternative uses have been ruled out because they have no direct benefit to the current owners. But La Fantaisie occupies a relatively small proportion of Seymours' very extensive land holding in this area, much of which is undeveloped, and it lies on the periphery of the holding, where arguably it has limited impact on the wider hotel operation. There is evidence to show that many historic buildings regarded by a particular owner as obsolete can, in different hands, be given a new lease of life. The property at 16 New Street, referred to earlier, is an example of this. Conversion of La Fantaisie to any of the uses set out in Deputy Farnham's Report could be acceptable in planning and historic building terms but have been discounted by the surveyors because of the costs involved. These costs are largely attributable to the condition of the building which is the result of lack of maintenance over many years. As the building has not been marketed, the real potential for its conversion and reuse by other parties is unknown.
26. Finally, it has been said by some parties that the designation of La Fantaisie cannot be justified because the building cannot be seen from public vantage points. That this is not the case is borne out by the photographs at Figures 14 and 15. La Fantaisie can clearly be seen from Howard Davis Park, from Belvedere Hill, and can be glimpsed from Don Road, where it rises above the pair of cottages below it which were rebuilt about a century ago. In any event, the fact that a property cannot be fully seen from a public vantage point is a questionable basis for the protection of the Island's architectural heritage. Many other important properties are hidden from public view, but add immeasurably the Island's cultural value. Among these are St. John's Manor, St. Ouer's Manor, Chantry Cottage in St. Lawrence (one of the oldest buildings in the Island), and Petite Ménage, referred to earlier.

Conclusion

27. The Committee, after consulting with expert bodies, considers that the special architectural and historical interest of La Fantaisie is beyond doubt and that its designation as a Site of Special Interest is justified in the public interest. It considers that the broader arguments raised by Deputy Farnham relating to the condition of the building, its potential for reuse and other commercial matters are not persuasive in this context, and such matters would be more appropriately considered in the context of a planning application for the development of this site. For these reasons, the States is asked to reject Deputy Farnham's proposition.

1. PRINCIPLES OF SELECTION: REGISTRATION

1.1 Buildings included in the *Register* are those which retain their historic form and detail, and so make a significant and positive contribution to the architectural and historical character and appearance of Jersey, whether in built-up areas or the countryside.

1.2 The main criteria for selection are therefore:

- **Architectural interest:** Buildings which are of significance for their architectural design or style, decoration and craftsmanship, composition, or use of materials and details, whether it be in the vernacular or ‘polite’ traditions; but also significant examples of particular building types and techniques, for example, those showing technological innovation or virtuosity, whose interest may not necessarily be expressed in high aesthetic quality;
- **Historic interest:** Buildings which illustrate significant aspects of Jersey’s social, economic, cultural or military history;
- **Close, documented, historical association** with significant people or events, although normally there should be some quality or interest surviving in the physical fabric;
- **Scenic and group value**, particularly where a group of buildings together, or an individual building in its landscape setting, comprise a formal or informal ensemble whose collective quality is more than the sum of the parts.

Obviously, not all of these criteria will be relevant to every case, but a particular building may qualify for registration under more than one of them.

5.6 Age is clearly a significant consideration, particularly in relation to historic interest. The older a building is, the fewer examples of its kind are likely to survive, and thus the more likely it is to have historic importance. In Jersey, any building which survives in recognisable form from before the middle of the 19th century will normally be of registrable quality for its historic interest, as well as, normally, meeting at least one of the other principal criteria.

5.7 After the middle of the 19th century, because of the greatly increased numbers of buildings constructed, and the much larger proportion which has survived, greater selectivity will be necessary, normally based on thematic assessment of particular building types. Architectural quality, or the extent to which particular buildings or types define or make a major contribution to local character and identity, or represent the tangible legacy of formative trends, trades or events, become more significant. Uniqueness and rarity are also important. Public buildings like the States Building or the Public Abattoir are examples of uniqueness, in the sense of being the sole example of the building type represented in Jersey; but rarity can be due to a high attrition rate, leading to few examples surviving of once-common and locally distinctive building types, like warehouses.

5.8 After 1920, the number of surviving buildings increases still further, and local distinctiveness is less evident. Only a small number of buildings of exemplary architectural quality, or great historical interest will be appropriate for registration. Buildings less than 30 years old will not normally qualify for registration.

6. PRINCIPLES OF SELECTION: DESIGNATION AS SITES OF SPECIAL INTEREST

6.1 The essential criterion for the designation of an historic building as a Site of Special interest is that its special interest extends substantially to its authentic fabric, plan form, interior features, or historical associations of the interior; in other words, it is not substantially confined to the exterior of the building and the contribution which it makes to the character or appearance of its townscape or landscape setting.

6.2 Article 9 of the Island Planning Law defines Sites of Special Interest as ‘buildings and places of public importance by reason of special zoological or botanical interest; or the special archaeological, architectural, artistic, cultural, geological, historical, scientific or traditional interest, attaching thereto’. This is a very wide definition, of which the following categories are relevant to the designation of historic buildings:

- **archaeological** – *relating to the scientific and systematic study of material remains of past human life or activities, or to the physical remains of a past culture*
- **architectural** – *relating to the art or science of building, or the art or practice of designing or building structures, particularly as a result of conscious act*
- **artistic** – *relating to, or characteristic of, art (the conscious use of skill and creative imagination, especially in the production of aesthetic objects) or artists*
- **cultural** – *relating to the customary beliefs, social forms, and material traits of a social group; and so contributing to the identity or distinctiveness of the group concerned, and demonstrating its development*
- **historical** – *relating to, having the character of, or famous or important in history, in the sense of a chronological record of significant events; having great or lasting importance; dating from or preserved from a past time or culture*
- **traditional** – *relating to the action of handing down, from generation to generation, customs, manners or beliefs, by means other than writing, for example vernacular traditions in building; relating to a characteristic manner or style*

6.3 The suggested definitions are confined to those reasonably applicable to the present context. They can be translated into criteria for designation as follows:

- **Archaeological significance of the fabric:** Where the fabric of the building, which is the primary document for its history, contains, or can be expected to contain, unique and valuable evidence about its development, and the culture which produced it, which can be understood through systematic investigation. This will be an important consideration for any building originating before about 1750; but can also be important for some more recent industrial buildings, where the rate of change tends to be rapid, in response to technological change, the evidence for which often remains encapsulated in the fabric.
- **Architectural interest of the exterior:** Where buildings are of special interest for their architectural design or style, artistic decoration, craftsmanship, composition, or use of materials and details, whether it be in the vernacular tradition, or as a result of conscious design.
- **Architectural interest of the structure:** Where the structure of the building contributes significantly to its special interest, because of its distinctive character (for example, the timber-framed interior structure of warehouses) or technological innovation or virtuosity (for example, the early or experimental use of particular materials or techniques, like cast iron roofs in the early 19th century, or reinforced concrete before the early 20th), whose interest may not necessarily be expressed in high aesthetic quality.
- **Architectural, cultural or traditional interest of the plan form:** Where the internal plan form contributes significantly to the special interest of the building, by virtue of its distinctiveness, innovation, or ability to shed light on the cultural traditions of Jersey. The latter will normally be important in domestic buildings dating from before 1700, and in many cases in those dating from before 1800. Later domestic plans tend to be standardised.
- **Architectural, artistic or cultural interest of the interior:** The survival of substantially complete domestic rooms from before 1700, the major elements of historic interiors from before 1840, and

domestic interiors of particular quality and interest of later date, are likely to justify designation, as are the existence of works of art which are integral and fixed elements of the design or decoration of historic interiors.

- **Historic interest of the building:** Buildings which illustrate significant aspects of Jersey's social, economic, cultural or military history, or where there is close, documented, historical association with significant people or events, although in such cases the physical fabric should also be of interest.
- **Historic interest of the interior:** Where the interior, or part of it, is associated with a significant event in Jersey's history, or occupation or use by a key figure in the Island's history, particularly when the interior concerned has survived with little significant change.

Clearly, as with criteria for registration, not all designated buildings will qualify under all these headings, but many will qualify under more than one.

- 6.4 Since designation is *in addition to* registration, it is possible to be selective in its use without being inconsistent. A Regency terrace, for example, surviving in recognisable form, would clearly merit *registration* as a whole; but only those individual houses with substantially surviving historic interiors would warrant consideration for *designation*.

Island Planning (Jersey) Law 1964

Designation of Sites of Special Interest

The Island Site

1. Article 9 of the **Island Planning (Jersey) Law 1964** empowers the Planning and Environment Committee by order to designate as sites of special interest buildings and places which are of public importance by reason of one or more special interest attached to the building or place.
2. The interests which will justify the designation of a building or place as a site of special interest are set out in Article 9. They are—
 - (a) the special zoological interest; or
 - (b) the special botanical interest; or
 - (c) the special archaeological, architectural, artistic, cultural, geological, historical, scientific or traditional interest.
3. Because the Island Site consists of buildings the remainder of this note will refer only to the designation of a building.
4. Article 9 contains a number of provisions as to the procedure to be followed by the Committee when making, varying or revoking an order designating a site of special interest.
5. The first material provision is that no order shall be made unless at least twenty-eight days previously the Committee has served on the owner of each building which is to be included in the order, and on every other person known to the Committee to have an interest therein, a notice of intention to include the building in the order.
6. The second material provision is that every person having an interest in the building which is to be included in the order is entitled to make representations in the matter to the Committee and the Committee must take such representations into account.
7. Before making any order, the Committee must also consult with such persons or bodies of persons as appear to it appropriate as having special knowledge of or interest in buildings which are of public importance by reason of the relevant special interest (in the case of the Island Site, the architectural, cultural or historic interest).
8. The effect of the making of an order designating a site of special interest is set out in Article 9A of the **Island Planning Law**. The effect is not to prohibit the demolition, alteration or extension of the building. What Article 9A provides is that where a building has been designated as a site of special interest no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, except with the prior permission of the Committee, which may be granted unconditionally or subject to such conditions as the Committee may think fit to impose.
9. There are thus potentially two occasions upon which the Committee may consider a building. The first is when considering whether to designate it as a site of special interest. The second is when and if an application is made to the Committee after the designation as a site of special interest for permission to demolish, alter or extend the building.

10. When the Committee is deciding whether to designate a building as a site of special interest, the relevant consideration upon which it should base its decision is whether the building does or does not have one of the specified special interests to a degree which makes it a building of public importance.
11. When deciding whether to give permission for the demolition, alteration or extension of a building which has been designated a site of special interest, the Committee must base its decision upon wider planning aspects including, but not limited to, the extent to which the building has one or more of the specified special interests.
12. It is significant that paragraph (4) of Article 9, which requires the Committee to consult with third parties only requires it to consult with such persons or bodies of persons as appear appropriate “as having special knowledge of or interest in buildings or places of public importance by reason of the attaching thereto of one of the special interests”. There is no requirement on the Committee to consult with any highway authority or drainage authority such as there is in paragraphs (6) and (7) respectively of Article 6 of the **Island Planning Law**, which relates to applications for permission to develop land.
13. This reinforces the view that the only relevant matters upon which the Committee should base its decision are those relating to whether the proposed site does or does not have the requisite special interest(s).
14. It is a fundamental principle relating to the exercise of a discretionary power by any body upon which such a power is conferred that the decision must be based upon relevant factors, and to the extent that irrelevant factors may have influenced the decision the decision will be open to challenge.
15. Thus although the Committee is required to take into account any representations made to it by persons having an interest in the building prior to its designation, if, having considered such representations, the Committee concludes that they raise matters which are completely irrelevant to the question whether the building possesses the requisite special interests, the Committee should not found its decision on those matters because if it does the decision will have been founded upon irrelevant considerations.
16. This does not mean that the Committee will never be entitled, or obliged, to consider the wider planning aspects relevant to the site. The designation of a building as a site of special interest does not act as a bar on any application for its demolition, alteration or extension. If the Island Site is designated a site of special interest, it will still be possible to apply to the Committee for permission to develop the buildings or any part of them, or to alter them in any way, or to extend them in any way. At that stage it will be incumbent upon the Committee, in arriving at its decision, to balance the architectural etc. interests of the site against wider planning matters such as traffic and transport.
17. If at that stage the Committee decides that the special interest of the site overrides whatever wider planning considerations have been put forward, and refuses the application for that reason, it will be open to the applicant to seek judicial review of the Committee’s refusal on the ground that the Committee did not give sufficient weight to the wider planning aspects.
18. In summary, there are two stages when the Committee may have to make a decision, and the matters which the Committee should consider differ according to the nature of the decision to be made.
 - (1) When considering whether to designate a site of special interest, the Committee must consider whether it has one or more of the specified interests such as to make it a place of public importance. It must take into account representations from any owner or other person having an interest, but if those representations contain irrelevant matter the Committee should not found its decision on as much as is irrelevant. It is only obliged to consult with people or organisations which have special knowledge of or interest in buildings which are of public importance because of one of the specified special interests.
 - (2) When considering a subsequent application to demolish, alter or extend a building which has been designated a site of special interest, the Committee should take into account all relevant planning matters.

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