

2020.01.21

17 Deputy J.H. Perchard of the Minister for the Environment regarding prospective restrictions to the size of residential properties: (OQ.16/2020)

What plans, if any, does the Minister have to restrict the size of residential properties, particularly high-value properties, so that they cannot be extended beyond a certain square footage and are in proportion with the number of people dwelling within them?

Deputy J.H. Young (The Minister for the Environment):

The policies of the current Island Plan do not place any specific limitation on the size of residential properties, either in absolute terms or relative to the number of occupants. Policy NE6 in the Coastal National Park and NE7 in the green zone apply. The scale of any new development, whether that involves redeveloping an existing property or the extension of it, is currently assessed on terms of its visual impact on its surrounding context and its impact on any neighbouring properties. I am aware of concerns - concerns which I do share - at the number of very large-scale properties in the countryside and especially around our coastline where, not only in terms of their visual impact or adverse impact on the character of the Island, but also in their profligate use of our very special land. Because we are a small Island with that limited land quality, I want to explore this further and all of the implications, issues associated with it, consider the introduction of a policy to restrict, in the case of particularly large dwellings where it is appropriate, as part of the Island Plan review. Of course such limits are in use in the U.K., in the U.K. green belt, and in elsewhere.

2.17.1 Deputy J.H. Perchard:

I thank the Minister for his response. Will he commit to restricting the size of high-value properties, both in terms of extensions and new builds, to reasonably accommodate the proportion of people dwelling in them?

Deputy J.H. Young:

The first thing I need to say is that the value of a property is not the material consideration, this has been, and the parameters are in fact, as the Deputy says, is the scale and the size and the disproportionate nature of the development in its surroundings and also part of that is its use, its occupancy levels and so on, the number of people within that. So, if we are to have a policy of that within the draft plan, the task that I would have is to make sure that what comes forward as a draft plan, if it is introduced or is proposed, is a workable policy. That needs quite a bit of work to do. But, nonetheless, we have had examples, I know there are very, very large properties. I can give you an indication, for example, where we know there are 20 single dwellings of 20,000 square feet replacing very, very modest dwellings, and those would of course be not consistent with the local plan requirements of green belt English authorities and in other places. So I want to look at that further.

2.17.2 Deputy J.M. Maçon:

Would the Minister agree that within the Island Plan the difficulty with providing any absolute yes or no are to do with Article 8 of the Human Rights Act - the right to property and family life - in that, to do an absolute no but then contradicts human rights legislation.

Deputy J.H. Young:

Yes, all planning aspects of course have got human rights, but of course if we did not have a planning law people could do as they like with their properties. But of course we have an Island planning law

because decisions are made in the public interest and we have a process for that. Obviously how far those powers go, whether they are proportionate, but they are potentially ... I am not a legal expert, I am sure the Attorney General will tell us, they are probably qualified rights that mean that judgments have to be made. Obviously if such a policy is included in the draft plan it would need to have legal opinions that it is sustainable. Of course I am relying on the fact here that of course these policies are used and tested elsewhere in other planning regimes.

2.17.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Going on to the original question about the size of properties: is there any reason why we cannot restrict each bedroom having to have its own bathroom? We have the infrastructure, which is sadly lacking if we have to have these huge mansions built in different places, and it is the Island that suffers. We have just been talking about all sorts of things, but it is the Island that suffers because we are having to have everybody has to have their own bathroom, their own shower, their own toilet, and it is totally unnecessary and can something not be done with the planning where that is concerned?

Deputy J.H. Young:

I congratulate the Connétable. That is not an aspect I personally concentrated on. We have minimum standards, which set out what we require as minimum living standard in new dwellings. We have building regulations that show how those facilities should be constructed; we have that. But at the moment I do not think we have gone as far as to specify whether or not people should have access to a personal shower or not. I will give that thought. It probably sits within the whole issue of sustainability and potentially climate change. As you know, it is argued that one of the things in climate change we should also look at is the bigger impact of over-excessive commercialisation and consumption. That is kind of a very big overarching issue, which I certainly want to give further thought to, but at the moment I could not answer positively to the Constable's question. I see the point but I am afraid I do not feel competent to give a decent answer at the moment.

2.17.4 The Connétable of St. Saviour:

I find it very difficult for you to say you are not competent when this Island is now going to be later on asked in the Island Plan to flood yet another valley for people. We do not have any infrastructure to support huge establishments being built that have to have their own facilities and I will be very annoyed if I am being asked to flood another valley to help wealthy residents come to live here, or other people, who want each to have their own facilities and I do not think that is very, very fair on this Island. The infrastructure of this Island is very important.

The Deputy Bailiff:

What is your question, Connétable?

The Connétable of St. Saviour:

I just do not agree. I am very disappointed with him saying he could not comment.

The Deputy Bailiff:

I do not think there was a question there and I am conscious we have 4 questions left and not a huge amount of time.

Deputy J.H. Young:

I did not misunderstand the Constable's answer and I would like to just clarify my answer if I may. I apologise to the Constable because I think I misunderstood the question. Obviously the issue of water consumption and our requirement for a new reservoir is a material issue in the Island Plan, it is definitely something in which we have Jersey Water involved with us, the Minister for Infrastructure, and we will have to discuss it, because there are choices between whether we provide for new catchment areas or new catchment facilities or we manage our uses of our water wisely, so the Island Plan is the process for that. At the moment there is no decision or proposal to flood a valley for another reservoir.

2.17.5 Deputy K.F. Morel:

Bearing in mind the commitment the Minister just gave Deputy Perchard that he would ensure there are policies that restrict extensions on particularly large residential properties, would the Minister also commit to looking at it from the other way around, bearing in mind that the Island Plan is known to be a document where you can pick a policy to suit your needs. Will he also commit to ensuring that there are no loopholes or policies that would contradict such restrictions and so allow developers or people to extend homes by using such loopholes?

Deputy J.H. Young:

That is a very good question. It is known that one of the things I want to do is to have sharper, clearer planning policies. The 2 policies that I mentioned, NE6 and NE7; NE7 is the green zone policy, it runs to 6 pages, it defies analysis in terms, it has conditions, maybes, ifs, buts, logical loops, it requires the patience of a saint to work out the details of it. Frankly that has to be improved upon significantly and so I give the assurances to the Deputy that, as far as I am concerned, the draft plan will have to be a much clearer set of draft proposals.

2.17.6 The Deputy of St. Martin:

I share the views about the consumption of water but surely the Minister accepts that, whether you have your own personal shower, share it with 2 people or 10 people, you can only take one shower at a time. [Laughter]

Deputy J.H. Young:

I will just say yes.

The Deputy Bailiff:

Thank you for that succinct response.

2.17.7 Deputy J.H. Perchard:

Does the Minister not agree that very large properties of the scale he described may indeed infringe upon the rights of other people to found a family home, especially given the lack of population restrictions currently in place? Is it right that we are allowing the development of properties of such scale given the ever-increasing population and given the number of people suffering homelessness in the Island?

Deputy J.H. Young:

The question is a good one but it illustrates the difficulty of finding the balance between these competing considerations. There is no question that the Island Plan needs to provide for the homes that we need for our community and trying to make sure they are in the right places. At the moment we have failed in that, so there is an expectation, which the whole community shares, that

issue will be addressed in the new Island Plan. But, equally, the issue of very large-scale dwellings in our countryside, which are so prominent that all around, all the community, cannot help seeing it, the issues to me are rather different. They are not about what we might call a jealousy argument, why should they have it if I cannot have it; it is more about the impact on the change in the character of the Island. It does rather emphasise what I would call the severe social divisions in Jersey, which do nothing for the harmony of our community. It is an insensitivity; my personal view, it is rather an insensitivity. In architecture there is a question of manners, buildings that say: "Here I am, look at me." They say things differently to ordinary modest dwellings that sit in harmony in their community. I will say no more.