

**MR. D.R. MANNING - FINANCIAL ASSISTANCE
(FIELD 1007, ST. JOHN)**

**Lodged au Greffe on 3rd November 1998
by Deputy A. Breckon of St. Saviour**



STATES OF JERSEY

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (1) to approve the granting of financial assistance by way of a loan to Mr. David Ronald Manning, in order that he can construct a domestic dwelling on Field 1007, St. John;
- (2) to agree to make, on application by Mr. David Ronald Manning, to the States Treasury, a loan at a rate of four per cent a year of such sum and secured in such a manner as the Finance and Economics Committee considers reasonable in relation to the owner's costs, repayable on or before the expiry of fifteen years from the date upon which the loan is made or on sale or transfer of the property from the owner to a third party, whether by *inter vivos* transaction, by will or intestacy, whichever is the earlier, on the basis that the Committee may vary the terms of this proposition in any case where it is satisfied that genuine hardship would arise;
- (3) that the work should be carried out to the satisfaction of the Planning and Environment Committee.

DEPUTY A. BRECKON OF ST. SAVIOUR

NOTE: The Finance and Economics Committee has considered two loan requests from Mr. Manning and on both occasions, have rejected the applications.

Previously, the Committee has sought the approval of the States to provide financial support to individuals in exceptional circumstances where public safety was of concern.

The Committee does not feel able to support the proposition, having considered the circumstances of Mr. Manning's case.

Report

Most members will be well aware of the background to Mr. David Ronald Manning's case and the saga of Field 1007, St. John. It is not the intention to repeat the whole story here.

On 31st January 1995, Senator V.A. Tomes presented to the States a petition on behalf of Mr. Manning, containing 4,009 signatures, together with a proposition (P.8/95) requesting the Planning and Environment Committee to approve an application by Mr. David Ronald Manning, under Article 6 of the Island Planning (Jersey) Law 1964, as amended, to allow the building of a house and store on Field 1007, St. John.

The proposition was debated on 30th January 1996. Senator Tomes' arguments rested on three principal points -

1. that the Assistant Chief Planning Officer in 1973, prior to Mr. Manning's purchase of Field 1007, had said that the construction of such a shed and house would probably be acceptable;
2. that a petition in favour of such a proposal had been signed by 4,009 members of the Island's adult population;
3. that Mr. Manning was 'not a speculator'.

The proposition was adopted by 28 votes to 19.

The Planning and Environment Committee on 12th February 1996 discussed the States' decision and invited Mr. Manning to make an application. The Committee decided that there had been grounds in 1973 for Mr. Manning to believe that the Committee would grant permission for a home and premises for his business. It was on the basis of the advice received at that time that Mr. Manning subsequently decided to purchase the land.

Mr. Manning had made a planning application for the house and shed on Field 1007 on 21st January 1994 and this application had been refused on 4th March 1994. However, the Committee decided to re-register the 1994 application on 13th February 1996 and granted permission on 28th March 1996. The permission was not conditional on the use of the shed being "personal" to Mr. Manning.

A development application was submitted on 6th August 1996 and was approved by the Committee on 17th October 1996. This permission "reserved" design details of the shed and contained a condition that the permission for the house and shed was "personal" to the applicant and did not enure for the benefit of the land. It was submitted that the decision to attach the condition was within the spirit of the States' debate which had taken Mr. Manning's personal circumstances into consideration.

Since then, the development of the commercial part had progressed and Mr. Manning has moved his business from Cannon Street.

Because of his age and other financial commitments, Mr. Manning is unable to obtain commercial finance for the house.

He is presently occupying a three-bedroom States rental house and the Housing Committee has obtained an eviction order, which to-date it has not fully enforced. Mr. Manning and his family recognise the present difficult housing situation and are keen to move, but are restricted by financial constraints.

I believe that this family has suffered not only from indecision over 25 years ago, but also from the inflationary effects of property price inflation. As the States have an agreed policy "to encourage home ownership" I further believe that this family should be treated as a special case and should be assisted financially to enable them to achieve that aim.

There are other examples where the States, through the Finance and Economics Committee, have assisted individuals, Parishes, groups and organisations and I believe that this family are equally deserving.

The exact terms and conditions of the loan would be subject to agreement with the Finance and Economics Committee and should, I believe, include a provision for any subsidy to be repaid in the event of the sale of the property, as presently applied to States' loan transactions.