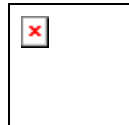


**FIELD 921, RUE A GEORGES, ST. MARY: RESIDENTIAL DEVELOPMENT WITHIN THE AGRICULTURAL
PRIORITY ZONE (P.17/99) - REPORT**

**Presented to the States on 13th April 1999
by the Planning and Environment Committee**



STATES OF JERSEY

STATES GREFFE

175

1999

P.17 Rpt.

Price code: B

REPORT

Introduction

This report is the response of the Planning and Environment Committee to P.17/99, which was lodged au Greffe on 2nd February 1999, by Senator L. Norman. The projet seeks the support of the States for the construction of a bungalow on Field 921, Rue à Georges, St. Mary for Mr. and Mrs. Richard Le Maistre.

History

The planning history of this field is long and dates back to April 1971. A summary of that history is attached in the Appendix to this report. From the summary, it can be seen that permission for development was sought from the Island Development Committee on three separate occasions (1971, 1976 and 1980) and that the Committee visited the site for each of these applications. Permission was consistently refused because the proposal would have resulted in *an extension of development with the countryside, detrimental to the amenities of the locality and contrary to the provisions of the Development Plan*. The Committee last considered this issue over ten years ago in November 1988, when it was decided to maintain its previous decision to refuse to grant permission for a new dwelling.

States Policy

In November 1987, the States of Jersey approved the Island Plan. That document is based on one major underlying principle - to guide new development to the existing "Built-Up Areas" of the Island and to protect the countryside. The policies of the

Plan underpin this principle and policy CO6 includes a *presumption against any new non-agricultural development within the Agricultural Priority Zone*. Policy SE4 is also relevant and states that *permission will not normally be given for new development which relies on septic tanks and soakaways or private sewage treatment plants*. Finally, Policy CO25 aims to prevent the *permanent loss of agricultural land for development or other purposes*.

It is clear that a new dwelling on this site would breach all of these policies, which have been consistently and fairly applied by the Planning and Environment Committee and its predecessors. The site is located in a rural part of St. Mary and is surrounded by open land. The land is unquestionably agricultural and has been recently worked. The fact that the Department of Agriculture and Fisheries would not object to a dwelling on the site is not, in itself, a justified planning reason for allowing development. Nor is it correct to state that a parcel of land has development potential simply because it lies between other buildings. The States and Committee's policies are clear in precluding this type of development. Of major concern is the precedent which such a permission would set for the many hundreds of other similar applications which have been refused by the Committee over time. The Committee does not consider it could reasonably resist those requests if this proposal were to go ahead. The Committee has a duty under the Law to act reasonably and consistently.

Specific circumstances

Notwithstanding the above, the last formal proposal was submitted over ten years ago and the present Committee has not had an opportunity to consider an application. Further, previous correspondence between Senator Norman and the President of the Planning and Environment Committee in 1998 in relation to this land made no mention of any ill-health. The Committee only became aware of this issue when Senator Norman's proposition was lodged. Accordingly, the Committee has not been able to weigh these new circumstances against the long-established States approved policies, to see if there are grounds for an exception to be made. However, the Committee believes that the need in this case appears to be for a bungalow, rather than for a bungalow on this particular field.

Site history

- 26.4.71 Planning application for two bungalows and garages.
- 19.5.71 Refused - proposed work would involve a sporadic extension of building development in the countryside contrary to the provisions of the Development Plan and would detract from the amenities of the locality.
- 14.6.71 Request for consideration for one dwelling only.
- 28.6.71 After Committee site visit development is refused because of the agricultural nature of the land and the relatively open character of the countryside.
- 8.4.76 Planning application for bungalow and garage.
- 20.5.76. Refused - proposed works would involve an extension of development in the countryside detrimental to the amenities of the locality, and contrary to provision of the development plan.
- 27.9.76 Request for reconsideration.
- 29.10.76 Request refused.
- 18.11.76 President's Surgery - possibility of a Review Board discussed.
- 9.12.76 Officers inform Deputy Ellis, who has taken up the case, that the Committee will visit site again.
- 13.1.77 Deputy Ellis informed that Committee not prepared to reverse its decision as no valid planning factors would justify any reverse of its earlier decision. However, the Committee identified a property immediately to the east which is contained within Field 811 to the south side of La Verte Rue. This land and farm may be in the ownership of the family immediately to the west of the main outbuildings. There appears to be a small area of land or a paddock which might be readily available for the construction of a new dwelling.
- 10.10.77 Letter from agent that owners will not sell, but site plan is submitted showing a dwelling close to Roc Annic but on Field 921.
- 3.11.77 Letter to agent refusing new siting - revised proposal would not mitigate in any way against the previous decision to refuse.
- 15.10.80 Planning application for dwelling and garage.
- 13.11.80 Refused - proposal would involve an extension of development in the countryside detrimental to the amenities of the locality and contrary to the provision of the development plan.
- 20.9.81 Request for reconsideration.
- 20.10.81 Following a Committee site visit, the Committee again refused to alter its previous decision.
- 28.10.81 Letter explaining the reasons why other building had been approved in the vicinity.
1. Farm was justified as a bona fide agricultural unit.
 2. Unit to rear of Roc Annic was part replacement, completing a group.
- 27.4.83 Enquiry from Deputy Vandervliet on behalf of a member of the Le Maistre family.
- 8.6.83 Letter to Deputy Vandervliet giving history of above.
- 3.1.85 Meeting between officers and Mr. Thomas when long history was discussed.
- Appeal to be lodged - Mr. Thomas advised officers would not support.

2.2.85 Request for reconsideration.

1.3.85 Refusal or request.

24.11.88 Request for reconsideration.

2.12.88 Refusal of request.

Note: 1. The site now lies in the Agricultural Priority Zone.

2. Subsequent correspondence on file to and from Senator L. Norman, relating to the current proposition.