

STATES OF JERSEY

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FIELDS 1282 AND 1287, LA FREDEE LANE, ST. HELIER: EXTINGUISHMENT OF RESTRICTIVE COVENANTS

**Lodged au Greffe on 30th March 2004
by the Environment and Public Services Committee**

STATES GREFFE

PROPOSITION

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

- (a) to approve the extinguishment of three restrictive covenants over the private dwelling known as Les Fougères, La Vallée des Vaux, St. Helier, owned by Mr. Derec Allan Bonhomme and Mrs. Paulette Marcia Bonhomme née Ferrari his wife, as identified on Drawing No. 15/327/1-01, subject to the payment by Mr. and Mrs. Bonhomme to the Public of £2,000 and the payment of the Public's fees in connection with passing a Deed of Arrangement before the Royal Court;
- (b) to authorise the Attorney General and the Greffier of the States to pass as appropriate on behalf of the Public such contract as may be necessary in connection with the said property and any interest therein.

ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

Note: The Finance and Economics Committee's comments are to follow.

REPORT

The Public acquired Fields 1282 and 1287 in 1971 and 1978 respectively to form part of Warwick Farm.

In acquiring those fields, the Public 'inherited' three restrictive covenants that affect the private dwelling known as Les Fougères, La Vallée des Vaux, St. Helier, owned by Mr. Derec Allan Bonhomme and Mrs. Paulette Marcia Bonhomme née Ferrari his wife. Mr. and Mrs. Bonhomme acquired Les Fougères in 1962 and subsequently acquired a further piece of adjoining land in 1970.

Two of the restrictive covenants relate to the 1962 contract and can be freely translated as follows:

- (a) that no house or other building destined for occupation by the working classes shall ever be erected on that part of the property belonging to Mr. and Mrs. Bonhomme. It being clearly understood that private dwelling houses of a high class and with usual appurtenances are not affected by the terms of this restriction, the whole to ensure that the character of the neighbourhood is not unduly affected and that no prejudice is constituted to any of properties in the area originally belonging to a Philip Graeme Bentlif; and
- (b) that nothing other than the existing dwelling house known as Les Fougères and its offices and a garage (or any other bungalow which could be erected in replacement thereof and on the same site) shall ever be erected on the said property Les Fougères.

The third restrictive covenant relates to the 1970 contract which stipulated that no house or other building would ever be erected or placed on any part of the land sold under that contract.

Since acquiring Les Fougères, Mr. and Mrs. Bonhomme have constructed:

- (a) an extension to the north of the house; and
- (b) a garage with workshop to the west, with a pitched roof over the workshop and garage with dormer windows, which is used for storage.

Mrs. and Mrs. Bonhomme have recently obtained Planning consent to convert the roof space above the garage and workshop to residential accommodation.

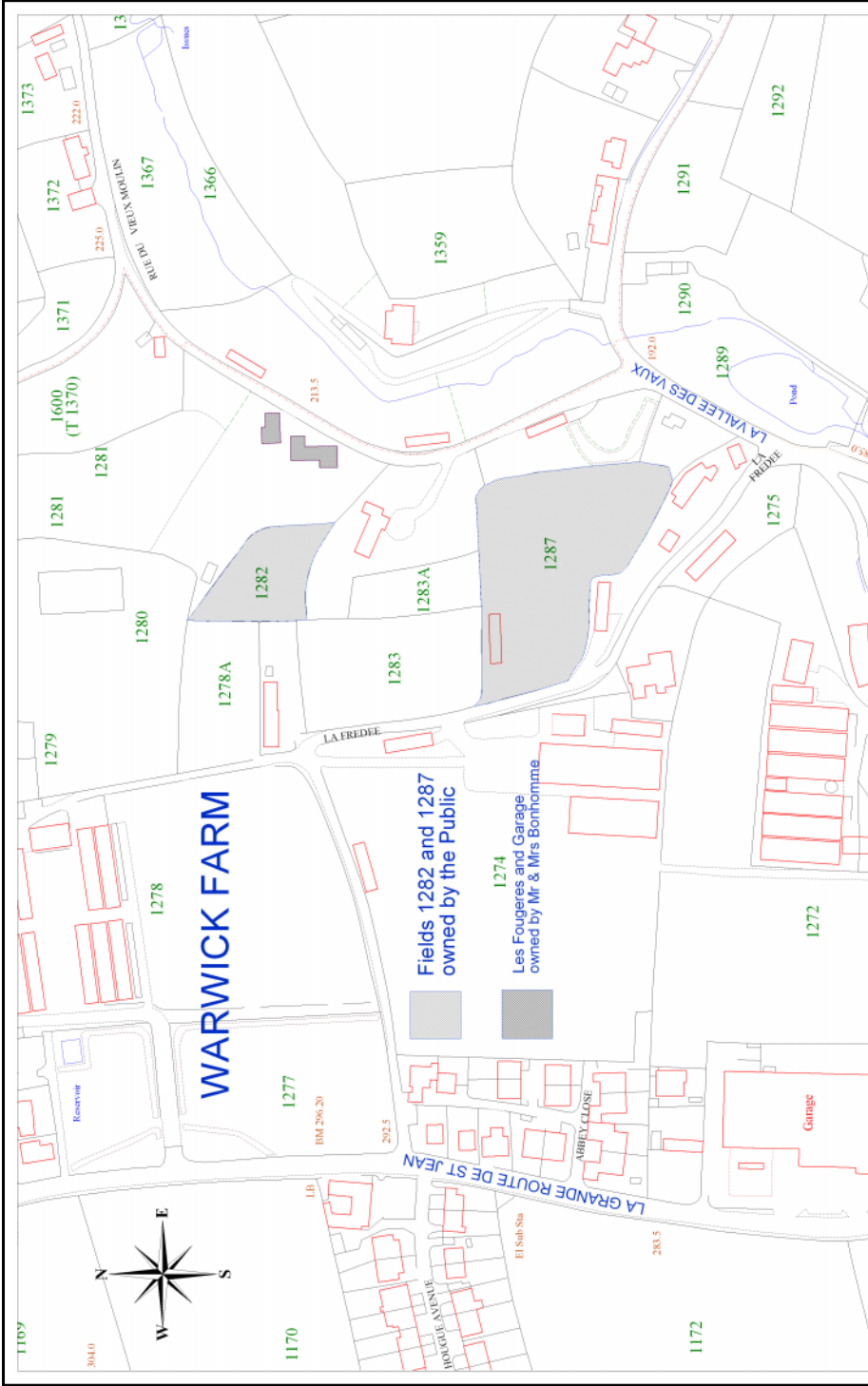
The Bonhommes have requested that the Public enters into an agreement to cancel the restrictive covenants. They have offered to pay £2,000 in compensation, and the reasonable fees incurred by the Department of Property Services and the Law Officers' Department in passing a Deed of Arrangement before the Royal Court.

In acquiring Fields 1282 and 1287, the Public 'inherited' the restrictive covenants. The Public did not expressly structure the covenants for its benefit when acquiring the land, and it could be argued that there is no meaningful benefit to the Public in retaining the covenants.

The Department of Property Services considers that £2,000 is a fair and proper compensation to receive for agreeing to extinguish the covenants.

It should be appreciated that Mr. and Mrs. Bonhomme will also have to successfully negotiate the extinguishment of the restrictive covenants with another party who owns land to the east of Field 1287.

There are no financial or manpower implications resulting from the proposed extinguishment of the restrictive covenants.



Drawing No:
15/327/1-01

Fields 1282 & 1287 and Les Fougeres

Boundary Information Supplied by the States of Jersey Planning Office, but no responsibility can be accepted for error.



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