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[Redacted]

APPLICANT

9047/G

15 October 2004

Dear [Redacted] APPLICANT

I refer to our recent meeting and your letter dated 27 May 2004 in response to [Redacted] letter of 7 April.

PLANNING OFFICER

[Redacted] There is no copy of the letter on the file and I have to say that until you handed me a copy during our meeting I had not seen the letter, notwithstanding that I am on the list of persons to whom it was copied. Nevertheless I will endeavour to answer the questions you pose in that letter.

The first question related to the planting of trees. While we are happy to see trees planted on the remainder of Field 1007 that is not a requirement, and it is entirely a matter for yourself whether or not you go ahead. Notwithstanding the comments in [Redacted] letter of 7 April, I do not consider that you need to submit a plan indicating where and what species of tree will be planted.

You also ask whether the Committee would consider an application for two luxury houses to be built at the site and referred to two similar houses that were being constructed next to La Hougue Bie. Those two houses were approved on an agricultural justification, and are tied to agricultural occupancy. You would be entitled to apply for something similar on Field 1007 and the Committee would consider it, but I have to say that I consider it most unlikely that permission would be granted as you would be unable to demonstrate why they were justified on agricultural grounds.

Finally, you ask under what authority the Committee is entitled to say that the shed cannot be let, or more specifically in respect of your request to [Redacted] sub-let, even if there is no change of use. Article 5 (2) (c) of the Island Planning (Jersey) Law, 1964 states that development means the making of any material change in the use of any building or other land. The Committee is entitled in my view to consider the sub-division of an existing building with one user into two separate units is material and constitutes a change in use. Paragraph 3 of the same Article states that for the avoidance of doubt by reference to residential use, the use of a single dwelling as two

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or more separate dwellings, or the use of two or more dwellings as a single dwelling involves a material change in the use of a building. In other words, and applying the same principle to an industrial building, the merging of two adjoining industrial units into one, or in the alternative the creation of two units from one industrial unit, would constitute development. Therefore the Committee is able to control the sub-division of an existing shed.

Your letter of 27 May posed the general question of whether the Committee could attach a condition to any building as to who occupies it. Article 6(2) of the Law allows the Committee to grant permission either unconditionally or subject to such conditions as it thinks fit. If it believes there are planning reasons for doing so, the Committee may personalise the occupation of a unit under this provision of the Law.

Once again I apologise for the delay in answering these outstanding questions.

Yours sincerely,



Director of Planning