

To: Minister for the Environment

18 October 2024  
Head of Place and Spatial Planning  
Place and Spatial Planning, Cabinet Office

## **Supplementary planning guidance**

### **3,000 SQFT FLOORSPACE LIMIT: A REVIEW**

#### **Purpose**

1. The Minister has requested that work be undertaken to review the introduction of a limit of 3,000 sq ft (279 sqm) on the development of new homes in order that he might consider whether any change to it is required; and if so, what that might be.
2. This report seeks to provide information to the Minister in order that he might make that determination.

#### **Timing**

3. This work is not part of the CSP: Planning services reform priority; nor the BIP and does not carry any strategic priority.
4. The timing of its determination is a matter for the Minister.

#### **Recommendations**

5. That you:
  - a. note the review of the 3,000 sqft planning parameter, as set out in supplementary planning guidance and;
  - b. on the basis of the evidence presented, are not minded to change the parameter, and associated guidance, at this time, but that:
    - i. further work is undertaken with the HVR team to help promote understanding and awareness of the planning policy framework for prospective HVRs; and
    - ii. the matter will remain the subject of monitoring, and that further review might be undertaken where there is evidence to support any such action.

## Background

6. Following their election in July 2022 the previous Council of Ministers set out a programme of 18 actions as the priority for the first 100 days of Government. One of the actions sought to:

*'introduce limits on the number of houses that can be built over 3,000 sq. ft. for a period of time in order to focus on tackling the housing crisis.'*

7. The Minister for the Environment sought to give effect to this priority action by issuing supplementary planning guidance to constrain the development of new homes where they are in excess of 279 square metres (sq.m.) or 3,000 square feet (sq.ft.) gross internal floor area. This provision was introduced in two supplementary planning guidance notes as follows:

- [Housing outside the built-up area guidance.pdf \(gov.je\)](#)

### Guidance 5.2

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Proposals for a new home outside the built-up area should not exceed 279 sqm (3,000 sqft) gross internal floor area except where:

- a. the development would represent the optimal viable use of a traditional farm; and/or listed building; or the conversion of an existing employment building, where the existing building is over 279 sqm (3,000sqft) gross internal floor area;
- b. in the case of the redevelopment of existing dwellings or redundant employment buildings, involving demolition and replacement, the gross internal floor area of the existing dwelling or building is considerably larger than 279 sqm (3,000sqft).

### Guidance 5.3

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The extension of an existing home outside the built-up area, which would provide a total internal floor area of or above 279 sqm, should remain subservient to the existing dwelling, and should not disproportionately increase its size in terms of gross floorspace, building footprint or visual impact.

- [Density standards guidance.pdf \(gov.je\)](#)

### Guidance 8.1

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Proposals for a new home in the built-up area should not exceed 279 sqm (3,000 sqft) gross internal floor area.

### Guidance 8.2

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The extension of an existing home in the built-up area, which would provide a total floorspace of or above 279 sqm, should remain subservient to the existing dwelling, and should not disproportionately increase its size in terms of gross floorspace, building footprint or visual impact.

8. Both of these guidance notes were issued by the Minister in July 2023, following consultation undertaken at the end of 2022.

**Limit on the size of new homes: justification**

9. The original justification for the introduction of a parameter to limit the size of new homes was that it would ‘focus on tackling the housing crisis’. It was issued at a time of a pressured housing market with rapidly increasing house prices and where accessing the housing market was particularly difficult related to a lack of supply of affordable and/or first-time buyer homes. It appears to have been based on the simplistic assumption that limiting the development of larger homes would lead to the construction of more, smaller homes.
10. The Minister for the Environment’s issuing of supplementary planning guidance provided a basis for the introduction of this parameter that was more firmly rooted in, and which served to complement, the planning policy objectives provided by the bridging Island Plan, as follows:

Large homes outside the built-up area	Density of development (in the built-up area)
Much of the island’s current need is for smaller homes: Jersey’s Future Housing Needs 2019-2021 report <sup>1</sup> identified a potential shortfall of 2,750 one, two and three-bed dwellings (both flats and houses), together with a potential surplus of around 70 four- or more bed dwellings, over the report period.	To better meet housing needs there is a need to better manage the size of new homes, and in particular, to regulate the number of new large homes, where large homes are defined as those which exceed 279 sqm. (3,000 sqft.) gross internal floorspace
A dwelling of 279 sqm (or 3,000 sqft), is a substantial structure; over double the floor area of a standard four-bed dwelling <sup>2</sup> .	A dwelling of 279 sqm (or 3,000 sqft), is a substantial structure; over double the floor area of a standard four-bed dwelling.
Such dwellings are likely to be marketed in the ‘luxury homes’ bracket with a substantial market value.  Housing in Jersey is expensive...a four-bed home at the 2022 Q1 median represents 27 times the median annual 2019/2020 household income, well beyond the reach of most islanders.	Such dwellings are likely to be marketed in the ‘luxury homes’ bracket with a substantial market value and well beyond the reach of most islanders
The 2021 census indicates that 44.1% of owner-occupied homes in the island were under-occupied <sup>3</sup> where households had two or more bedrooms above the standard required relative to the number of people living in the house. This suggests that larger homes in the island are not being put to optimal or best use, and that better use might be made of the existing stock.	The development of homes over this size will not be supported within the built-up area, where it is expected that the optimal use of urban land will be achieved by the development of a larger number of good quality homes that provide good standards of living accommodation whilst being more affordable to more people.
Larger dwellings within the countryside can also have a more significant adverse impact upon the distinctive character, quality, and sensitivity of the landscape, seascape or coastal unit in which they are sited. This impact can be experienced from wider afield as larger	

<sup>1</sup> [Jersey’s Housing Assessment \(gov.je\)](https://gov.je/jersey-housing-assessment)

<sup>2</sup> SPG Policy Note 6 ‘A minimum specification for new housing developments’ (1996, updated 2009)<sup>2</sup> set out minimum space standards for new dwellings<sup>2</sup>. The minimum net floor area quoted for four-bed dwellings ranges from 88 - 109 sqm depending upon the number of storeys. This figure is similar to the minimum gross floor areas of four-bed dwellings of between 90 to 130 sqm specified in the UK Government’s statutory guidance paper – Technical housing standards; nationally described space standard 2015<sup>2</sup>. In these figures, the difference between net and gross floor areas is not considered to be significant.

<sup>3</sup> [R CensusBulletin2 20220504 SJ.pdf \(gov.je\)](https://gov.je/census-bulletin-2022)

Large homes outside the built-up area	Density of development (in the built-up area)
development is more likely to appear in longer vistas, especially when any new dwelling has been sited and orientated to maximise views.	

### Previous consultation: issues raised

11. The proposed introduction of this planning parameter was the subject of consultation when both supplementary planning guidance notes were issued as drafts (between October - November 2022).
12. Questions were directly asked about the proposed introduction of this measure, for which there was overwhelming support (66% and 56% respectively agree with the introduction of the measure). A summary of the comments, and the response to them that was made at the time, is set out below<sup>4</sup>.

Draft SPG Housing outside the BUA: feedback summary and response	
Issue/theme	Proposed change
1. Challenge to the basis upon which a parameter to better manage large homes can be introduced	There is already policy provision in the plan which seeks to limit the size of new homes in the countryside: this is clearly set out at Policy H9. The substance of the proposed guidance entirely supports and is consistent with the policy direction of the bridging Island Plan, which has been approved by the States Assembly. It is clearly supplementary to it.  This guidance does not introduce anything that is far-reaching, or which might be construed as a new direction of policy (which would require Assembly approval as part of an Island Plan Review), and it can, therefore, be appropriately adopted as SPG.
2. The principle and detail of introducing a parameter to better manage the size of new homes.	There are clearly opposing views about this part of the guidance but over 65% of respondents to the online survey were in support of the principle and detail of the proposed parameter.
3. Treatment of extensions where they would increase the size of a dwelling to over 279 sqm.	In the case of the extension of existing homes (or subsequent extensions to new homes), it is considered reasonable to permit the improvement of an existing dwelling through its extension where that might result in the creation of a dwelling in excess of 279 sq m.  The guidance will be amended to reflect this, and to set out the parameters for assessment.

Draft SPG Density standards: feedback summary and response	
Issue/theme	Proposed change
1. Treatment of extensions	The draft guidance is currently silent on the treatment of extensions to properties that may currently be below 279 sq m in floorspace but, if extended, may exceed this threshold.

<sup>4</sup> Appendix 1 contains the full consultation response in relation to this matter in respect of the Draft SPG: Housing outside the BUA; Appendix 2 contains the full consultation response in relation to this matter in respect of the Draft SPG: Density standards.

	<p>The purpose of the proposed standard is to better manage the size of new homes to ensure that they remain accessible to more islanders; and that they better meet local housing needs.</p> <p>In the case of the extension of existing homes, it is considered reasonable to permit the improvement of an existing dwelling through its extension where that might result in the creation of a dwelling in excess of 279 sq m.</p> <p>The design and scale of any extension should, however, remain subservient to the existing dwelling and not disproportionately increase its size, in terms of gross floorspace, building footprint or visual impact.</p> <p>In order to avoid the cumulative enlargement of existing dwellings a site's planning history should be a material consideration.</p> <p>The acceptability of an extension to a dwelling will be determined by its scale, design and impact on local character. Any extension of floorspace will need to ensure the availability of the minimum requirement for private open space relative to the potential occupation of the extended home.</p> <p>Each case should be assessed on its merits and regard given to the sensitivity of the site, relative to the capacity of the character area to accept change.</p> <p>POTENTIAL CHANGE:</p> <p>In order to provide clarity explicit reference to the treatment of extensions, resulting in the creation of a dwelling in excess of 279 sq m, should be added to the guidance as a standard.</p>
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### **Basis for review**

13. The basis for the review of the 3,000 sqft floorspace planning parameter for the development of new homes has emerged at the request of the Head of High Value Residency Engagement (see appendix 3).
14. The key issues raised, in so far as they relate to planning; and to the 3,000 sqft floorspace threshold, are as follows:
  - *three clients who have projects that are directly concerned by the changes; and the uncertainty around the planning process*
  - *the perception that we don't want anybody to develop a large homes on the Island. 3,000 sq. ft is not a very large home and while there is a fairly plentiful stock of homes for 2(1)(e) clients we see scope for new developments from our clients*

### **Reassessment of the 3,000 sqft parameter**

15. In light of the request for the review; and the basis for the incorporation of this parameter into supplementary planning guidance, it is considered appropriate to reconsider this measure on the basis of the following criteria:

#### The need for and size of homes

16. The latest evidence about Jersey's potential housing requirements in terms of the type, tenure and size of dwelling unit has been updated, following the publication of the Jersey's Future Housing Needs 2023-2025 report<sup>5</sup>. The findings of this report are based on the intentions expressed in the Jersey Opinions and Lifestyle Survey 2022.
17. The report sets out that there remains an overall demand for homes, with an estimated potential shortfall of around 600 homes. In terms of dwelling sizes, this more recent data reaffirms the position expressed in the predecessor report (Jersey's Future Housing Needs 2019-2021); and one of the bases upon which the 3,000sq ft parameter is based, namely that there is an increasing intent of households to move to smaller property types in the island (one-bed flats; and one- and two-bed houses); and a decreasing intent for households to move to a four-bedroom house. There also remains a potential surplus of four+-bed homes.

#### Cost of homes

18. Whilst activity in Jersey's housing market activity has decreased; and the price of all property types has decreased since the adoption of the 3,000 sq ft parameter, property still remains expensive. In 2023, overall housing affordability worsened on an annual basis; and all property types were less affordable to purchase than in 2022. Whilst the ratio of median dwelling price to equivalised median household income in Jersey was lower compared to 2022 for all property types, this was outweighed by higher mortgage interest costs, resulting in worse housing affordability overall.<sup>6</sup>
19. In 2023, a working household with mean net income was not able to service a mortgage affordably on the purchase price of a median-priced house of any size or a two-bedroom flat.
20. The provision of more affordable homes remains one of the Government's 13 strategic priorities<sup>7</sup>. As one commentator stated, when providing a response to the Minister's consultation about revised residential space standards: *'Bigger' doesn't necessarily mean better, but it always means less affordable.'*

#### Spatial context: the built-up area

21. It is a general tenet of the bridging Island Plan, as expressed in the spatial strategy of the plan, that development of the highest densities should be located at the most accessible and sustainable locations, focusing growth in the island's existing built-up areas, and Town in particular. This is where homes are better related to workplaces, schools, shops and local services, where the need for travel is reduced, and where there are likely to be more sustainable travel choices.
22. Delivering development at optimum densities in the built-up area can help deliver the best and most efficient use of previously developed and urban land.
23. The Minister has issued guidance – setting minimum density standards – for different parts of the island's built-up area, to help achieve and deliver this objective. The density

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<sup>5</sup> [R HousingNeedsSurvey2023 20230524 SJ.pdf \(gov.je\)](#). This updates the Jersey's Future Housing Needs 2019-2021 report

<sup>6</sup> [Annual housing statistics \(gov.je\)](#)

<sup>7</sup> [Common Strategic Policy 2024 to 2026.pdf \(gov.je\)](#)

standards apply to developments of five or more homes, but the principle of the efficient use of urban land remains generally applicable, and the 3,000 sq ft parameter still applies to the consideration of development in urban areas.

24. It is important to acknowledge, however, that the guidance is not absolute; and it does allow some flexibility in its interpretation and use. The guidance already allows for the development of an extension to a dwelling in the built-up area - which would create a home with a total gross internal floor area at or above 279 sqm (3,000 sqft) - to be considered on its merits, having regard to its scale, design, impact on townscape character and the capacity of the site to accommodate further development relative to the requirements for the provision of private open space and parking.
25. Overall, however, the need to optimise the density of development in the built-up area remains if best use of our already developed land is to be made; and also if the plan is to continue to deliver the homes that the island needs.

Spatial context: outside the built-up area

26. The principle of making best use of existing development does not only apply to the built-up area, but across the whole island. Whilst there might be an emphasis of optimising the development and use of land in the built-up area - which may not be an entirely appropriate approach to the consideration of development in the countryside owing to the different character of built development here - it is still important to have regard to the efficient use of dwellings.
27. Consideration of the 2021 census results reveals that around a quarter of island households were under-occupying their accommodation (11,782 households). This means they had at least two bedrooms more than they needed, as measured by the Bedroom Standard. The majority of these (89%) were owner-occupier households; and the highest rates of under-occupation are to be found outside the 'urban' parishes of St Helier, St Clement and St Saviour. More than one-third of homes in the island's other parishes – including St Peter, Grouville, St Lawrence, St Brelade, St Ouen, St Martin, Trinity, St John and St Mary – are under-occupied. St Mary has the highest rate of under-occupation, at 44.9%.
28. In this respect, therefore, there is an inefficient use of the existing housing stock throughout the island's countryside, which does not lend much support to the further creation of larger homes, where under-occupation has the potential to be further exacerbated.
29. The bridging Island Plan contains policy provision that encourages the development of smaller homes to enable rightsizing or downsizing; and the Minister for Housing has also adopted policy to help people address the challenges of moving to a smaller home that might better meet their needs<sup>8</sup>:
30. As in the built-up area, it is important to acknowledge, however, that the Minister's published guidance is not absolute; and it does allow some flexibility in its interpretation and use for the development of larger homes – where they are over 3,000 sqft - in the countryside.

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<sup>8</sup> [Right-sizing Policy from the Minister for Housing \(gov.je\)](#)

31. The guidance allows for positive consideration to the extension of existing homes, where an extension would increase the size beyond 3,000 sqft, to be treated on its merits.
32. Similarly, it is also important to recognise that the guidance allows the redevelopment of existing properties, both commercial and residential, that are already in excess of 3,000 sqft, to be redeveloped to provide new larger homes with more than 3,000 sqft of floorspace, subject to the consideration of other planning matters. This can, and has, enabled the redevelopment of outworn commercial properties – such as hotels and other tourism-related uses – to be redeveloped to provide homes, whilst also delivering some overall environmental improvement in the countryside.

Impact of 2(1)(e) applications and development activity

33. The genesis of the request to review this parameter arises in the high value residency team in the Economy department. It is partly based on a concern that the existence of this parameter may deter prospective 2(1)(e) applicants from considering Jersey as a potential place of residence.
34. Discussion with the HVR team suggests that there is an awareness of this specific guidance amongst the stakeholder community involved in enabling high-value residency in Jersey and that currently, in some cases, it may serve to discourage further consideration of Jersey as an option for relocation. And this may serve to discourage potential applications.
35. It is also evident, however, that there is perhaps a tendency to view the 3,000 sqft parameter by those involved in this process in simple and absolute terms whereas, in fact, this parameter exists as guidance and its use, in combination with existing BIP policy, is more nuanced.
36. Notwithstanding the impact on prospective applicants, there is little direct evidence to suggest that the introduction of the 3,000 sqft parameter has had an adverse impact upon the rate of successful 2(1)(e) applications. Whilst there will, of course, be many factors that affect the rate of application and approval, this appears to remain generally steady.

	2020	2021	2022	2023	2024 (ytd)	2023 (same time)
Applications	22	25	13	30	9	12
Approved	20	23	9	29	7	9

37. The HVR team express concern that *'three clients who have projects that are directly concerned by the changes; and the uncertainty around the planning process'*. As stated above, whilst the 3,000 sqft parameter may be material to specific planning cases, it is important to acknowledge that it is not an absolute standard and that there are exceptions that would, and do, allow the development of new homes that have a larger floorspace where it involves extension of an existing property; or the redevelopment of a larger property (such as an outworn hotel).



38. There also appears to be no significant challenges presented in the use of the standard through the planning process. There is no direct evidence that this forms the principal basis of refusal or appeal.
39. It is also important to acknowledge that there are already planning policy provisions – as set out in the bridging Island Plan - which limit the scale and size of new development, particularly in the countryside. Policy H9 – Housing outside the built-up area explicitly states that:
- in the case of an extension to an existing dwelling it remains, individually and cumulatively, having regard to the planning history of the site, subservient to the existing dwelling and does not disproportionately increase the size of the dwelling in terms of gross floorspace, building footprint or visual impact
  - in the case of the redevelopment of existing dwellings, involving demolition and replacement, the replacement dwelling: (*inter alia*) is not larger than that being replaced in terms of gross floorspace, building footprint and visual impact, except where any increase can be justified having regard to functional needs or necessary improvements to the standard of accommodation
40. On this basis, even where prospective 2(1)(e) applicants may be wishing to develop homes anew the existence of the 3,000 sqft parameter does not appear, of itself, to be creating any particular planning challenges, and is simply serving to supplement the existing policy provisions provided by the island plan.
41. It is also explicitly acknowledged, in the original request from the HVR team, that there is a *fairly plentiful stock of homes for 2(1)(e) clients* - which refers to the availability of the existing housing stock that is over and above 3,000 sqft, and which remains available for purchase to prospective 2(1)(e) applicants.
42. The HVR team also express concern about the '*uncertainty of the planning process*' as a potential barrier to prospective 2(1)(e) entrants. Any regulatory process will always carry a degree of risk, however, planning policy and supplementary guidance provided by the Minister seeks to ensure that greater certainty is provided to prospective applicants.
43. The Minister has also embarked upon a review of the island's planning service to address issues of speed and efficiency of decision-making. This is identified as one of the Government's 13 strategic priorities. The work that is being undertaken in this area should, and is, serving to reduce delay in the planning process, thus serving to mitigate risk and uncertainty for all who engage with the process, including prospective 2(1)(e) entrants.

### **Summary and conclusion**

44. On the basis of all of the above, it is considered that the existing planning justification for the introduction of the 3,000 sqft parameter into supplementary planning guidance remains valid.
45. In particular, it is considered that there remains a need to encourage the efficient use of land in the built-up area; to promote the efficient use of dwellings in the countryside; and also to ensure that more homes are accessible and affordable to islanders.

46. There also appears to be no direct evidence that the introduction of this planning parameter is having an adverse effect on the rate of successful 2(1)(e) applicants where there already exists considerable choice within the existing housing market for larger homes.
47. It is evident, however, that there is a perception that the 3,000sqft parameter is an absolute limit, rather than it serving as a piece of guidance that supports BIP policy; and where there are exceptions to its application. In this respect, it is important to acknowledge that the 3,000 sqft parameter supports the policy framework in the BIP, and that it is a qualified parameter, where exceptions to its application exist in specific circumstances.
48. To ensure that this is properly understood and recognised, it is proposed to work with the HVR team to promote a greater awareness and understanding of the planning framework that applies to the development of larger homes in the island, in an attempt to address the flawed perceptions that may exist. This can serve to clarify the opportunity to develop larger homes through the extension of existing dwellings or the redevelopment of existing homes and other large premises, where that might result in development over 3,000 sqft.

Head of Place and Spatial Planning

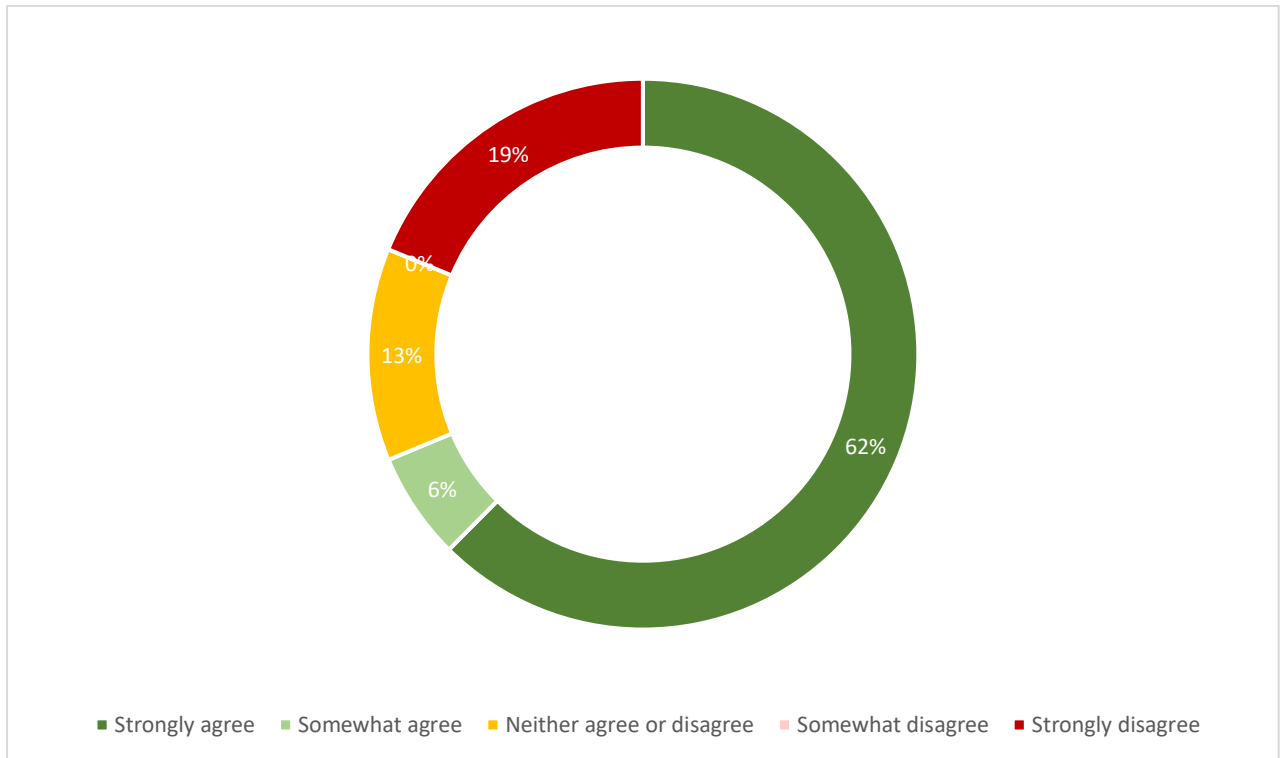
## **Appendices**

1. Extract of consultation response: draft spg: housing outside the built-up area
2. Extract of consultation response: draft spg: density standards

APPENDIX 1: EXTRACT OF CONSULTATION RESPONSE  
 DRAFT SPG: HOUSING OUTSIDE THE BUILT-UP AREA

4. Section 6 of the draft guidance introduces a new interim policy which manages the size of new homes in the countryside.

Please state whether you agree or disagree with the introduction of an interim policy to better manage the size of new homes in the countryside.



Consultation feedback	Response
It needs to go further	Noted
Jersey has become blighted by gentrified old farms, faux manors and mansions for the rich (usually with gross gates - you would think Jersey was a crime-ridden Island!). Time to call time on this plague.	Noted
<p>The problem with concentrating on size is that there is no alternative policy. Perhaps smaller dwelling on a hillside in a cluster would be more attractive but harder to get planning permission for.</p> <p>Would Santorini be the most photographed island if there hadn't been a forward planning decision to limit size, colour, style and type of build. Does this detract from the island's ambiance?</p> <p>Planning perhaps need to be more forward thinking and revolutionary to ensure that what is built develops a "Jersey" style that is reminiscent of this era and not a carbon copy of what came before.</p>	<p>Noted. There is a general presumption against the development of new homes in the countryside except where a development proposal satisfies one of the tests set out in Policy H9.</p> <p>The proposed introduction of a new consideration related to the size of new homes in the countryside, where they are permissible, adds another factor to be taken into account: it is not the only factor.</p> <p>Any new development should protect or improve landscape and seascape character under the terms of Island Policy NE3; and also make a positive contribution to the local context in terms of its design, under the terms of Policy GD6. This is not just about recreating what came before, but about considering and applying</p>

Consultation feedback	Response
	<p>the principles of good design: see <a href="#">JerseyDesignGuide2008</a>. ILSCA provides a framework against which proposals can be assessed to determine their positive contribution to landscape character, as well as their impact upon it.</p>
<p>The amount of space given to large homes is disproportionate to the amount of people that occupy them. Allowing the wealthy of the island to monopolise the countryside of this small island is not a desirable feature socially or morally when land and space is precious and there is a housing shortage with people being shoehorned into ever smaller accommodation in town .</p>	<p>Noted. The purpose of the proposed standard is to better manage the size of new homes to ensure that they remain accessible to more islanders; and that they better meet local housing needs.</p> <p>There is no evidence that supports the need to provide very large homes in Jersey; and there will already be a supply of larger homes within the existing housing stock. Much of the island's current need is for smaller homes: Jersey's Future Housing Needs 2019- 2021 report identified a potential shortfall of 2,750 one-, two- and three-bed dwellings (both flats and houses), together with a surplus of 4+ bed-homes over the report period.</p>
<p>Jersey is quickly losing its national identity through the extinction of our agriculture and the privatisation of our countryside to the super wealthy.</p> <p>This plan is a small step towards reclaiming our island, but more thorough action is desperately needed in other aspects of governmental policy.</p>	<p>Noted.</p>
<p>Too many large sites for one family occupancy-not enough housing for normal Jersey families</p>	<p>Noted.</p>
<p>We are very short of land in this island - it is ridiculous that any single home should be built on land which could accommodate multiple homes, or land which would otherwise be left to nature.</p>	<p>Noted.</p>
<p>I am very much against our country side being built-up and dominated by the super wealthy</p>	<p>Noted.</p>
<p>Be careful ,this sounds like an unnecessary move ,which will alienate wealthy people wanting to come in and also could mean unemployed local electricians ,plumbers etc</p> <p>Things are changing ....and as we have seen lately ,things can turn around ( badly ) very quickly</p> <p>We have so many rules and regulations ...do we really need this ???</p>	<p>Noted. The purpose of the proposed standard is to better manage the size of new homes to ensure that they remain accessible to more islanders; and that they better meet local housing needs.</p> <p>There is no evidence that supports the need to provide very large homes in Jersey; and there will already be a supply of larger homes within the existing housing stock. Much of the island's current need is for smaller homes: Jersey's Future Housing Needs 2019- 2021 report identified a potential shortfall of 2,750 one-, two- and three-bed dwellings (both flats and houses), together with a surplus of 4+ bed-homes over the report period.</p> <p>Evidence from the census suggests that over 40% of owner-occupied homes in the island were under occupied where households had two or more bedrooms above the standard required relative to the number of people living in the house. This suggests that a large proportion of existing large homes in the island are not being put to optimal or best use.</p>

Consultation feedback	Response
	<p>A dwelling of 279 sqm (or 3,000 sq. ft.), is a substantial structure; over double the floor area of a standard four-bed dwelling. Such dwellings are likely to be marketed in the 'luxury homes' bracket with a significant market value that is well beyond the reach of most islanders.</p> <p>In 2021, a working household in Jersey with mean net income was not able to service a mortgage affordably on the purchase price of a median-priced house of any size. For the purchase of a median-priced 4-bedroom house (at £1,200,000) in the fourth quarter of 2021, by a household with mean net income, the total deposit required was £752,000 which represents a deposit gap of over 10.</p>
<p>The draft planning guidance demonstrates an acute level of wishful thinking as regards the housing market in Jersey. No research has been offered to support the gross levels of interference and why it might result in more affordable smaller homes being built.</p>	<p>Noted. See above.</p>
<p>This attempt to manage the size of new homes in the countryside is an interference with the market. Has any research been carried out to support this or is this just wishful thinking?</p>	<p>Noted. See above.</p>
<p>The SPG fundamentally lacks full and robust evidence to support a 279sqm limit on new dwellings. How has this size limit been derived and where is the independent supporting context for limiting dwelling size?</p> <p>Why should a blanket limit on size be established when the controls established throughout the BIP are in place to allow a fair assessment of scale within a particular site and its context? This is a poorly considered limit on dwelling size which precludes a potential approval of a development which may in all other cases be suitable in its context and appropriate in scale, mass, visual impact and size.</p> <p>It does not fulfil the intention of the BIP to which this SPG supports; it is an adaptation of Policy which is not in a position to be independently debated by the sitting Government or an independent Planning Inspector.</p>	<p>Noted. See above for evidence.</p> <p>It is a matter of law that supplementary planning guidance cannot change Island Plan policy. The substance of the proposed guidance entirely supports and is consistent with the policy direction of the bridging Island Plan, which has been approved by the States Assembly. It is clearly supplementary to it.</p> <p>This guidance does not introduce anything that is far-reaching, or which might be construed as a new direction of policy (which would require Assembly approval as part of an Island Plan Review), and it therefore can be appropriately adopted as SPG.</p>
<p>The second concern is significant, and goes to the heart of what might be produced as Supplementary Planning Guidance. The Planning and Building (Jersey) Law 2002 enables the Minister to publish guidelines and policies, under Article 6, but what is proposed here is actually an amendment to the Island Plan. New policies are proposed to be introduced, without following the prescribed process. This bypasses the established independent review and critique from Inspectors and side-steps the opportunity for debate and the lodging of</p>	<p>Noted. There is already policy provision in the plan which seeks to limit the size of new homes in the countryside: this is clearly set out at Policy H9. The substance of the proposed guidance entirely supports and is consistent with the policy direction of the bridging Island Plan, which has been approved by the States Assembly. It is clearly supplementary to it.</p> <p>This guidance does not introduce anything that is far-reaching, or which might be construed as a new direction of policy (which would require Assembly</p>

Consultation feedback	Response
<p>Amendments by the elected Members of the States Assembly.</p> <p>It is established planning practice that Supplementary Planning Guidance should provide guidance on the primary policies from the development plan. SPG will be material considerations in the determination of applications, but does not form part of the development plan and cannot introduce new policies. However, this is exactly what both these documents seek to do, as the current Policies H2 and H9 contain no reference to restricting dwellings over 3000 sq ft, neither does any other element of the Island Plan. The SPG's therefore introduce new primary policies, which are not supplementary to anything.</p> <p>The gov.je website is quite clear that "supplementary planning guidance (SPG) provides assistance and information on policy considerations under the Island Plan as well as guidance on how to make planning applications." However, the scope of the current documents is significantly beyond that role.</p> <p>The proposed SPG's seek to use Proposal 21 and Proposal 25 in the BIP as the justification for their scope. However, Proposal 25 is relevant only to land outside the Built-Up Area, and Proposal 21 looks just at density standards within the Built-Up Area. When read separately, or together, they do not encompass the scope of what is now envisaged. Notably Proposal 25 confirms the scope of the envisaged SPG is simply to "assist with the interpretation and application of Policy H9." But what the SPG actually now seeks to do is to introduce entirely new tests.</p> <p>There is the opportunity for the new policies to be properly presented by the Minister as Amendments to the Bridging Island Plan (which is what H2A and H9A are) and to follow the established process for doing so. However, there is no commentary or justification given in either of the documents as to why this has not been progressed.</p> <p>Both documents should therefore be withdrawn and if the Minister wants to progress the adoption of new primary policies (which is what is being sought) then the route for doing so is as Amendments to the Bridging Island Plan.</p> <p>Policy-making does not exist in isolation, it has obvious ramifications for the determination of planning applications. Both documents seek to establish these interim policies as "material considerations" but this cannot be the case as they presented as new primary tests. To continue in the current manner will simply cause a development control muddle, leading to challenges and Appeals, where the weight to be attributed to these "policies" will be argued. This is time-consuming and uncertain for everyone involved and will not achieve the goals</p>	<p>approval as part of an Island Plan Review), and it therefore can be appropriately adopted as SPG.</p> <p>As acknowledged, Article 6 of the law enables the Minister to publish policy in between reviews of the Island Plan. In order to promote clarity and to clearly differentiate the status of SPG relative to bridging Island Plan policy, however, consideration will be given to a revision of the guidance to remove reference to 'interim policy' and to present the key contents and parameters of the guidance as 'standards' only.</p>

Consultation feedback	Response
<p>that are currently sought. A correct, clear and well-established process is available and should be followed, for the benefit of everyone involved.</p>	
<p>Within the Introduction section of the SPG, (page 2) the following is noted. We have added sections of particular interest in bold type. "The note also provides guidance and introduces an interim policy about the development of larger homes in the countryside where they are in excess of 279 square metres (sq.m.) or 3,000 square feet (sq.ft.) gross internal floorspace: interim Policy H9A – Large houses outside the built-up area. This element of interim policy and guidance complements the planning policy framework established by the bridging Island Plan and responds to the policy objectives of the government, specifically action eight of the 100 Day Plan, which seeks 'to introduce limits on the number of houses that can be built over 3,000 sq. ft. for a period of time in order to focus on tackling the housing crisis."</p> <p>It is unclear how the limit on property size suggested by the 100 Day Plan has much to do with the policies included within the BIP, specifically how it will address the housing crisis. This would appear to be a fundamentally new policy that is being inserted into the BIP, and which will greatly affect the shape of development in the Island without the need for debate within the States Chamber.</p>	<p>Noted. See above.</p>
<p>I would like to see the Policy H9 exemptions extended to include: a new dwelling [under 279 sqm] where the green credentials of the dwelling are exceptional.</p> <p>This would demonstrate joined up government working towards net zero by 2030</p>	<p>Noted. This guidance explains how the existing Island Plan Policy H9: Housing outside the built-up area will be applied in practice. This policy has already been approved by the States Assembly, when it approved the Island Plan in March 2022, and it cannot be changed by guidance. Supplementary planning guidance is designed to operate under the Island Plan and is complementary but subordinate to it.</p> <p>The bridging Island Plan seeks to ensure the delivery of design quality and to further reduce carbon emissions in new developments as a matter of course. Achieving excellence in relation to these considerations is not considered sufficient justification to warrant exceptional treatment that would permit the creation of new homes in excess of 279 sq m.</p> <p>Any departure from the proposed maximum standard of 279 sq m gross internal floorspace will require exceptional justification. Any such case will be assessed on its merits and determined accordingly.</p>
<p>As regards the discouragement of large houses, this may make more materials and labour available to create smaller and more affordable units, which is welcomed.</p>	<p>Noted. It is already explicitly stated on the face of Policy H9 (5) <i>in the case of the redevelopment of existing dwellings, involving demolition and replacement, the replacement dwelling: (a). is not larger than that being</i></p>

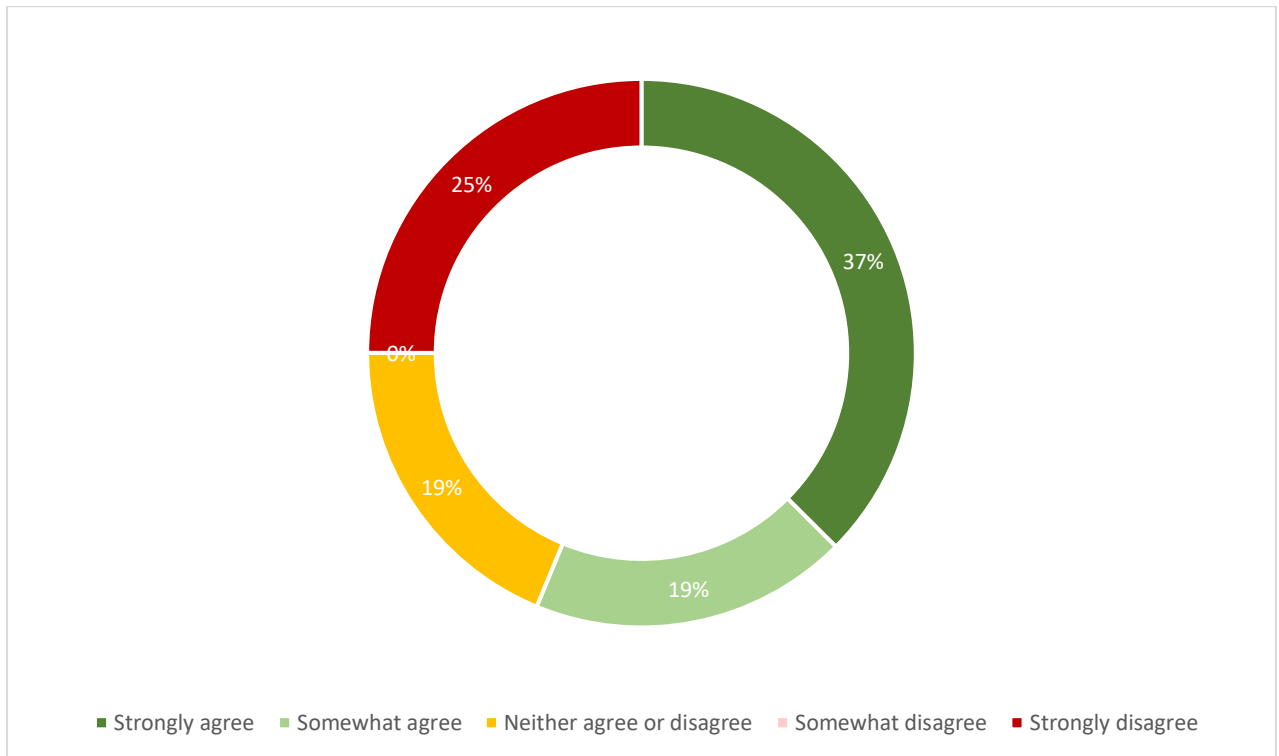
Consultation feedback	Response
<p>It is assumed that although policy H9A says that where a large dwelling is to be replaced, if the existing exceeds 279sqm, the new building may also exceed 279sqm, the requirement of paragraph 5 of policy H9 must <i>also</i> be met i.e., the new dwelling must be no larger than that which it replaces. To avoid confusion, it may be helpful if this was noted in policy H9A.</p>	<p><i>replaced in terms of gross floorspace, building footprint and visual impact.</i></p> <p>This guidance should be read in conjunction with Policy H9, and not in isolation.</p>
<p>I am upset that the opportunity to allow a redundant building to be replaced by a large home in our small bays has not been addressed in this. Example is Waters Edge and Greve de Lecq it ought not to be allowed. If anything redundant buildings ought to be demolished and left to go back to nature. Or provide well designed smaller homes as we are short of these.</p>	<p>Noted. The planning policy which governs the re-use or redevelopment of former hotel/hospitality sites is set out in the bridging Island Plan, which was agreed by the States Assembly back in March 2022.</p> <p>For proposals of this nature to be acceptable, they are required to deliver significant environmental gains through improved design and appearance of the land and building(s); the repair and restoration of landscape character; and reduced intensity of occupation and use.</p> <p>This seeks to ensure that wider public interests - such as, for example, the character of the coast, biodiversity and heritage – are protected so that the public can continue to enjoy them; whilst removing derelict and redundant bldgs. from the landscape.</p>
<p>Planning need a more-adaptable policy on this whole issue.</p> <p>They should make provision for countryside employment. The only mention in the document is of redundant employment buildings, there needs to be a chink of light for new or established employment businesses without redundant buildings on site.</p> <p>If a business can prove the necessity/ value/ enhancement/ reduced traffic of an area - there should be a way of assisting.</p> <p>No mention in this document of:</p> <ul style="list-style-type: none"> <li>Accommodation for a new build where a material and enhancement benefit could be provided</li> <li>Where there is no environmental impact</li> <li>Where services are available</li> <li>Reduction in vehicle movements</li> <li>Support of existing communities</li> <li>Shared trips/ services</li> </ul>	<p>Noted. This guidance is specifically focused on the development of housing outside the built-up area.</p> <p>The bridging Island Plan sets out a comprehensive planning policy framework for economic development in the countryside: see the Economy chapter of the <a href="#">Bridging Island Plan.pdf (gov.je)</a>.</p>
<p>There are no considerations for exceptions relating to architectural excellence, nor classleading approaches to sustainability / energy - both of which are worthy objectives of other BIP policies.</p>	<p>Noted. The bridging Island Plan seeks to ensure the delivery of design quality and to further reduce carbon emissions in new developments as a matter of course. Achieving excellence in relation to these considerations is not considered sufficient justification to warrant exceptional treatment that would permit the creation of new homes in excess of 279 sq m.</p>



APPENDIX 2: EXTRACT OF CONSULTATION RESPONSE  
 DRAFT SPG: DENSITY STANDARDS

13. Section 6.5 of the draft guidance introduces a new interim policy which manages the size of new homes in the built-up area.

Please state whether you agree or disagree with the introduction of an interim policy to better manage the size of new homes in the built-up area.



Consultation feedback	Response
<p>The inclusion of prohibitions on larger homes (whether new builds or conversions or extensions) is to be welcomed &amp; should be made permanent. The level of the prohibition 279 sq m or 3,000 sq ft as proposed would only cover very large houses indeed. It therefore should be reduced, say to begin with being halved. It also should be fixed as a maximum number of habitable rooms, perhaps 8.</p> <p>We also suggest there should be a presumption against development of new private swimming pools, billiard rooms, domestic cinemas etc</p>	<p>Noted. The introduction of this standard will be monitored to determine its impact and effect and reviewed as required.</p> <p>The Minister for the Environment is reviewing guidance about minimum space standards for residential development. These revised standards will ensure that they are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time in terms of providing a minimum standard of basic living accommodation.</p> <p>The provision of additional rooms, for purposes other than basic living accommodation, will require additional floor area above the minimum gross internal area specified in the guidance (relative to the number of people capable of occupying the dwelling) to avoid compromising the space and functionality of other parts of the home.</p> <p>Revised residential space standards have been issued for consultation.</p>

Consultation feedback	Response
<p>Yes, this may stop developers only building 4/5 bedroom super homes, when the Island needs more modest properties.</p>	<p>Noted.</p>
<p>This is only sensible in the current population / housing crisis.</p>	<p>Noted.</p>
<p>It states that property 3000sq feet (called luxury homes) are not feasible for most islanders. This will push the Indigenous population of the island into the built up area of st. Helier. Whilst allowing high net worth individuals (HNWI) to come to the island and redevelop in the country side.</p> <p>In the built up area the locals will have restricted access to vehicles and will have to travel to their native beaches via taxi/bus. Whereas the HNWI will have access to private vehicles to do with as they please and cause congestion in the built up area. This is elitism and must be stopped.</p>	<p>Noted. The spatial strategy for the development of the island is set by the bridging Island Plan, and specifically Policy SP2 – Spatial strategy. In essence, this seeks to focus development activity in the island’s built-up areas in a way that is proportionate to the existing scale and character of the island’s hierarchy of settlements. This means that greater levels of development are proposed and enabled in the island’s primary, secondary and local centres, with less development envisaged and enabled in the smaller settlements and the countryside.</p> <p>The Minister for the Environment is reviewing guidance about residential parking standards.</p> <p>The parking requirements for any new development in the revised standards will reflect its accessibility, with maximum and lower minimum standards applying in those parts of the island where greater opportunity exists for travel on foot, by bike and by public transport.</p> <p>Revised residential parking standards have been issued for consultation.</p>
<p>There is no substantiated evidence to support a limit on new homes. The evidence as listed in this SPG is subjective and lacks independent verification/support and should not be enforceable in its own right.</p> <p>The BIP was developed to provide sufficient testing mechanisms throughout various interlinked policies to determine if a new home is suited to its context in terms of mass, scale or size. Imposing a limit may suggest that the BIP is not robust enough to manage development in a context, yet the BIP has been independently tested by Planning Inspector and adopted post significant Government debate.</p> <p>The review of this SPG is not afforded the same rigorous appraisal yet provides a fundamental alteration to the BIP.</p>	<p>Noted. The evidence that larger homes are beyond the reach of most islanders is substantiated by fact, as set out in the house price index produced by Statistics Jersey.</p> <p>It is a matter of law that supplementary planning guidance cannot change Island Plan policy. The substance of the proposed guidance entirely supports and is consistent with the policy direction of the bridging Island Plan, which has been approved by the States Assembly. It is clearly supplementary to it.</p> <p>This guidance does not introduce anything which might be construed as a new direction of policy (which would require Assembly approval as part of an Island Plan Review), and it therefore can be appropriately adopted as SPG.</p>

APPENDIX 3: REQUEST FOR REVIEW

High Value Residency Engagement; Economy Department

In no particular order I would like to make the following comments:

1. In 2023 there were 13 decisions made by Ministers and Officers that had an impact on the 2(1)(e) programme. This led to a huge amount of uncertainty amongst client – resident and those considering residency – and the general message from the CM was that we want fewer 2(1)(e) residents and to have them paying more tax.
2. There were three changes that related to property. The rental period was reduced to one year (from two), the minimum purchase prices went up to £1,750,000 for an apartment (from £1,250,000) and £3,500,000 for a house (from £2,500,000 and planning permission would not be given for house greater than 3,000 sq. ft.
3. I find it ironic that we are being asked for comment on reverting to the old conditions when there was no rationale for the cap of 3,000 sq. ft.
4. I am aware of three clients who have projects that are directly concerned by the changes and the uncertainty around the planning process but the greatest concern that I have is the perception that we don't want anybody to develop a large homes on the Island. 3,000 sq. ft is not a very large home and while there is a fairly plentiful stock of homes for 2(1)(e) clients we see scope for new developments from our clients.
5. We have a database of all the estate agents and most of the developers and Dirk could canvass them for you if you wish.
6. With regard to the pipeline of new clients I feel confident that the target of 15 will be met and most probably surpassed. We are seeing some extremely successful fund managers and venture capital investors showing an interest in addition to some Res Non-Dom families considering new jurisdictions in advance of the changes proposed by Labour and the Conservatives. I am attaching a table of recent results for your perusal and Dirk can of course provide up to date information upon request.

5 year 2(1)(e) statistics

	2019	2020	2021	2022	2023	5 Year total	5 year average
First time enquires	146	124	123	120	112	625	125
New Applications	23	22	25	13	30	113	23
Approved	19	20	23	9	29	100	20
Transfers to surviving spouses	2	0	0	0	0	2	0
New Arrivals	12	15	28	11	16	82	16
Approved not yet resident	n/a	n/a	n/a	n/a	0	0	0
Refused	1	2	2	4	0	9	2
Departures	2	7	8	5	5	27	5
Changed to Licence/Entitled	1	4	3	1	1	10	2
Deaths	0	0	1	0	0	1	0
Net increase in HVRs	9	4	16	5	10	44	9