

13th May, 1985.

In the Royal Court of JerseyAG -v- Robert Andrew Brown.

(Infraction of Article 8 of the Island Planning (Jersey) Law, 1964).

BAILIFF: "The Court has no hesitation in granting the conclusions, in our opinion, the fine asked for, £1,000, is not a penny too much. We are in no doubt whatsoever, that the defendant carried out unauthorised works coupled with unauthorised change of use, without consent, quite deliberately, that he put in plans after he had already done the unauthorised work, he put in plans which were deceptive and we regret to have to say were intended to deceive. They were deceptive in at least three matters: no bedroom was shown on the ground floor, only a study was shown; no living-room was shown on the first and second floors; and no kitchenette was shown at all for the first and second floors. In other words the I.D.C. were entitled to think and did think from the plans put in that these were great improvements being made to the accommodation of a single dwelling whereas, in fact, the reality was that there had already been done work to make the ground, the first, the second floors into self-contained dwellings, but none of that work which had already been done, without consent, had been shown on the plans and so the Island Development Committee was completely deceived and we have no doubt at all that Mr. Brown intended that they should be deceived. We can only think that that was his intention in order to cover up what he had done and that what he had done had been done in order to obtain greater profit from the use of this particular

property. Mr. Brown is a self-employed accountant, and we have no doubt at all that he knew very well what he was doing. We can find no mitigating circumstances at all. It is, as has been said so often, extremely important, that these laws there to control development should be complied with. This was a blatant case, where quite clearly, quite deliberately, the development of this property was carried out in the knowledge that the law had not been complied with and was not being complied with. Therefore we have no hesitation whatsoever in fining the defendant the amount for which the Attorney General has moved which is a fine of £1,000 or in default 6 months' imprisonment and in addition we order the defendant to pay costs in the sum of £100. Perhaps I would just add this, that we have already said that we think that the fine asked for is not a penny too much but we take into account, that the defendant will be put, no doubt, to considerable expense in doing certain work and also the fact that he has done work which may bring him no reward. We appreciate the fact that the Attorney General has taken that into account in moving for what otherwise might have been considered to be a leanient penalty. But we understand that the Attorney General has taken that into account and therefore we do not increase the penalty, we accept that that is the right penalty in the circumstances but certainly it is not a penny too much in the light of all the circumstances".