

JERSEY / JUDGMENT

AG v Benest [2002] JRC 118 (11 June 2002)

[2002] JRC 118

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JUDGMENT

THE DEPUTY BAILIFF: 1. The finding of the Jurats is as follows: (i) The Court is sure that Mr Stein did not during the course of a telephone conversation, after the initial meeting on site in the summer of 2000, state to Mr. Benest words to the effect that a permit was not required as the works would be within the curtilage of the property. (ii) The Court is sure that the question of horse trails was mentioned at the site meeting in Field 1451 in the summer of 2000. (iii) The Court is, however, not satisfied, to the criminal standard of proof, that Mr. Benest positively stated at that meeting that the horses would form the trails themselves. But the Court is satisfied that Mr. Stein, for whatever reason, drew that inference and that that was the reason why he said at that meeting that no application for development permission was necessary. (iv) At no stage did Mr. Benest make clear to Mr. Stein the nature and scale of the development, including the fact that it would require mechanical diggers, but nor did Mr. Stein ask the appropriate questions to establish the nature and scale of the activities. Authorities Island Planning (Jersey) Law 1964.
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Prepared on 29 October 2026 · Esheria