

Compliance Case Ref: CMP/2018/00077
ENF/2020/00011

ENFORCEMENT NOTICE MATERIAL CHANGE OF USE Planning & Building (Jersey) Law 2002

THIS NOTICE TAKES IMMEDIATE EFFECT ON THE DATE IT IS ISSUED

1. **This Notice:** is issued pursuant to the powers conferred under Article 40 of the Planning and Building (Jersey) Law 2002 because it appears that a breach of development controls has occurred at the Land stated below. Article 5 of the above Law defines the meaning of development and Article 7 of that Law states that Land shall not be developed without planning permission.
2. **The Land to which this Notice relates:** Field No. B485 off B83 La Rue De La Corbiere, St. Brelade shown 'edged in RED' on the attached plan.
3. **The Matters which appear to constitute the Breach of Development Controls:** Without Planning Permission; a material change of use from agriculture to the storage and siting of a miscellany of non-agricultural vehicles; cars, vans, lorries, plant and machinery; skips; containers/tanks; cable drums; BBQ equipment: gas canisters; table and seating; speedboat and boat trailer; unserviceable discarded agricultural machinery, a lorry trailer and a considerable mound of vegetation waste, rubble and detritus, fencing panels and pallets.
4. **Reasons for Issuing this Notice:** It appears that the Breach of Development Controls has occurred within the last 8 years.

The site lies within the Green Zone wherein there is a high level of protection and a general presumption against development. Planning permission has not been granted to use the land for the matters which appear to constitute the breach of development controls, none of which appear to be either employed in, or are reasonably necessary for, the purposes of agriculture and all of which has an unacceptable incongruous appearance within the locality and is detrimental to the landscape character of both the immediate area and the Green Zone in general and fails to satisfy the requirements of policies NE7, GD7, GD1 and SP4 of the 2011 Island Plan (Revised 2014).

The department does not consider planning permission should be granted for the breach of planning controls stated in this notice because planning conditions could not overcome these objections.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

5. **Steps Required to Rectify the Breach:** (what you are required to do):

Within the area edged red on the attached plan:-

- 5.1. Permanently cease all non-agricultural use of the land including the siting and storage of non-agricultural vehicles; cars, vans, lorries, plant and machinery; skips; containers/tanks; cable drums; BBQ equipment: gas canisters; table and seating; speedboat and boat trailer; unserviceable discarded agricultural machinery, a lorry trailer, vegetation waste, rubble and detritus, fencing panels and pallets. And
- 5.2. Permanently remove from the Land all those items referred to at 5.1

6. **Time for Compliance:** You are required to have complied with the requirements of this notice by the end of 2 calendar months - commencing from the day that this notice is issued.

7. **Date of Issue:** 21/10/2020

Signed  21 October 2020

(Authorising Officer)

For and on behalf of the Chief Officer;

Chris Jones

Senior Planner – Development Control

Infrastructure Housing and Environment, Development Control, Philip le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE

Enclosures.

1. Enforcement Notice Plan.
2. Photographs SV 22.09.2020 (yellow arrow marks items referred to in this notice)
3. Appeal form

Informative.

Any other item or issue not specified in this enforcement notice may be subject of a separate enforcement notice.

Persons or entity to who this Notice is served:

Michael Slous Belmonte La Rue De La Corbiere, St. Brelade JE3 8HU

Case Management Contact:

Officer name: Richard Greig

Contact telephone number: 01534 448477

Email: r.greig@gov.je

Postal address: Infrastructure Housing and Environment, Development Control, Philip le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE

ADVISORY NOTE

What will happen if this Notice is not complied with:

If you fail to comply with the requirements of this Notice you may be liable to prosecution under the appropriate Article of the Planning and Building (Jersey) Law 20002.

Any recurrence of the use of this land for the siting or storage of any non-agricultural items including items that fall within the general description of the items specified in this notice will constitute a contravention of this notice and may be subject further legal action.

This notice applies to the Land edged red on the attached enforcement notice plan and the requirements to comply with its requirements remain the continued responsibility of any occupier or successor in title.

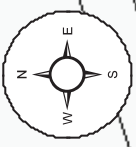
The Right of Appeal:

In accordance with Article 109 of the above Law, you may appeal against this Notice by writing to the Greffier no later than 28 days beginning with the date this Notice is issued.

Relevant Policies:

NE7, GD7, GD1 and SP4 of the 2011 Island Plan (Revised 2014).

Go to; <https://consult.gov.je/portal/policy/pd/ip2011>



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Location Plan

SCALE 1:2,256.99



Date: 06/10/2020