

Compliance Case Ref: CMP/2019/00054  
ENF/2021/00010

## **ENFORCEMENT NOTICE**

### **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. O642 shown 'edged in RED' on the attached plan.

3. **The Matters which appear to constitute the Breach of Development Controls:**

Without Planning Permission;

**3.1** The erection of a stable and tack room constructed from timber and sited upon hardstanding within the South-West corner of field O642, marked in blue on the attached plan.

**3.2** The siting of a shipping container within the North-west corner of field O642, marked in pink on the attached plan.

**3.3** The siting of a skip, boat and boat trailer within the North-west corner of field O642, marked in pink on the attached plan.

**3.4** The storage of timber, traffic signs and other non-agricultural items within the North-west corner of field O642, marked in pink on the attached plan.

4. **Reasons for Issuing this Notice:** It appears that the Breaches of Development Controls have occurred within the last 8 years.

In-between 2017 and 2018 the landowners of field O.642 constructed three stables within the corner of field O.642. This was first brought to the Department's attention on the 26<sup>th</sup> March 2019. Upon discussions with the compliance section, the landowners submitted a retrospective planning application.

The retrospective application was refused under delegated powers on the 12<sup>th</sup> of November 2020. Subsequently, the landowner submitted a request for a review of the decision. The review was heard on the 10<sup>th</sup> March 2021 and the Planning Committee maintained the Departments decision that the application should be Refused.

- 5.1 Remove from the site, the stable and tack room and any hardstanding upon which they are sited, within the South-West corner of field O642, marked in blue on the attached plan.
- 5.2 Remove from the site the shipping container within the North-west corner of field O642, marked in pink on the attached plan.
- 5.3 Remove from the site the skip, boat and boat trailer within the North-west corner of field O642, marked in pink on the attached plan.
- 5.4 Remove from the site the timber, traffic signs and other non-agricultural items within the North-west corner of field O642, marked in pink on the attached plan.

6 **Time for Compliance:** You are required to have complied with this notice by the end of 3 Calendar months commencing from the day that this notice is issued.

7. **Date of Issue:** 15<sup>th</sup> September 2021

Signed: ....  .....Date  
(Authorising Officer)

For and on behalf of the Chief Officer;

Peter Le Gresley

Head of Development and Land

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

#### **Enclosures.**

1. Enforcement Notice Plan
2. Aerial photograph timeline
3. Refused plan No. 2020-055-01 from P/2020/0902
4. Decision notice from P/2020/0902

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

### **ADVISORY NOTES**

**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 2002.





Aerial photograph timeline Field O.642

2014



2017



2020



No. 0677 La Rue de la Mare St. Charles

No. 0677 La Rue de la Mare St. Charles

No. 0677 La Rue de la Mare St. Charles

No. 0677 La Rue de la Mare St. Charles



NORTH ELEVATION



EAST ELEVATION

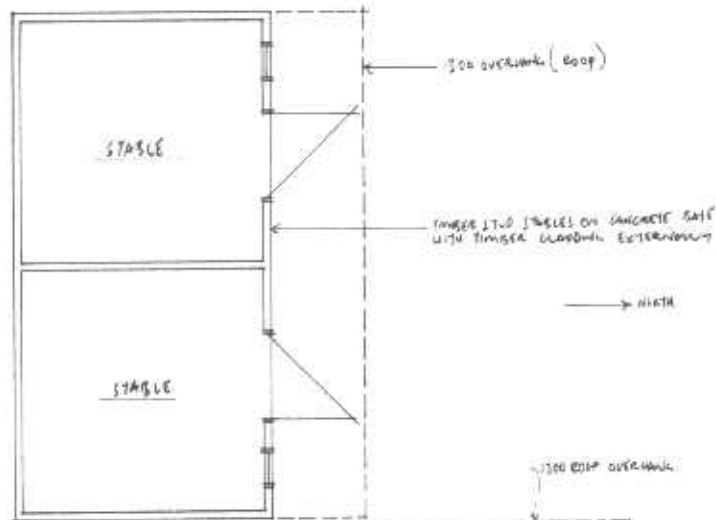


SOUTH ELEVATION

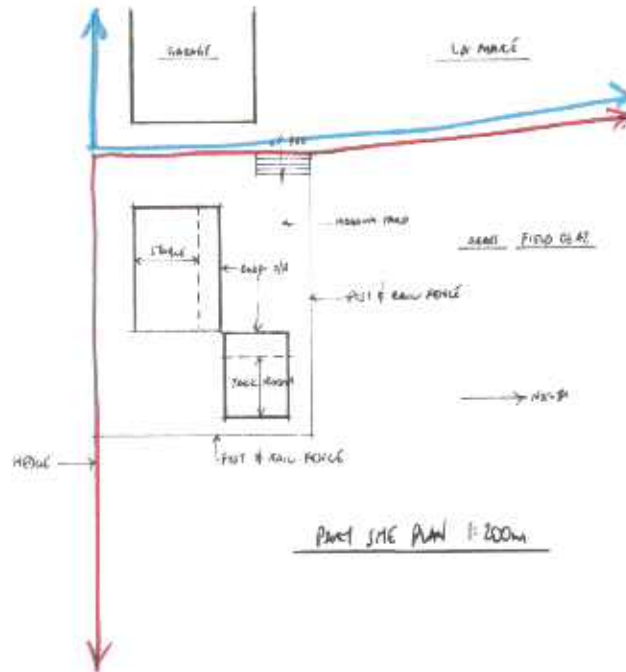
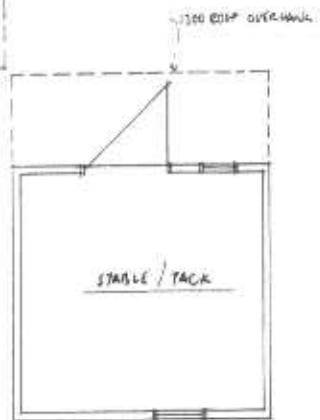


WEST ELEVATION

ALL ELEVATIONS AT 1:100m



FLOOR PLAN 1:50m



PART SITE PLAN 1:200m



Project: RETROSPECTIVE APPLICATION

STABLES & TACK ROOM  
FIELD 0642, LA MARE  
RUE DE LA MARE  
ST. OVEN, JES 2LD

Date: July 2020  
Scale: 1:50m, 1:100m, 1:200m  
Drawn by: Sean O'Connell  
T.07700 103 447  
Planning & Building Design Consultant  
www.oconnorogilley.com

Drawing No: 2020-055-1-D1

EXISTING PLAN / PART SITE PLAN / ELEVATIONS



# Decision Notice

## PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2020/0902

This is notification of the decision to **REFUSE** to grant permission to develop land under Article 20 of the Planning and Building (Jersey) Law 2002;

### **In respect of the following development:**

RETROSPECTIVE: Construct stables and tack room to South-West of site.  
REVIEW REQUEST of refusal of planning permission.

### **To be carried out at:**

Field No. 0642, La Fosse Tauraude, St. Ouen.

### **Reasons:**

1. The stables and tack room are located within the Green Zone, where there is a general presumption against development. They are not incidental to any authorised primary use of the land, and their retention would serve to support an unauthorised use of Field 0642. They do not fall within any of the exceptions listed in Policy NE 7 and the proposal is therefore considered to fail to satisfy the requirements of Policy NE 7 of the Adopted Jersey Island Plan, 2011 (Revised 2014).
2. The retention of the buildings would result in the loss of agricultural land. There is no justification for the proposed use of the buildings at their existing location. On balance, while the loss of agricultural land would be limited, it would nevertheless not be justified and the proposal is therefore considered to fail to satisfy the requirements of Policy ERE 1 of the Adopted Jersey Island Plan, 2011 (Revised 2014).
3. The retention of the stables would lead to an intensification in the use of the site access off La Rue de la Mare, which has substandard visibility. No access dimensions and visibility splays have been submitted and it has therefore not been demonstrated to the satisfaction of the Department that the proposal would provide a satisfactory means of access. The proposed development consequently fails to meet the requirements of Policy GD 1 (5) of the Adopted Jersey Island Plan, 2011 (Revised 2014).

DECISION DATE: 10/03/2021

REFUSED