

ENFORCEMENT NOTICE

Planning & Building (Jersey) Law 2002

1 This Notice:

Is issued pursuant to the powers conferred under Part 5, 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 This Notice relates to land at:

The land known as 10 Le Pont Marquet Close, La Rue Du Pont Marquet, St Brellade, JE3 8DU shown edged in *RED* on the attached plan and the location of the Development marked with XX.

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

Without planning permission, the construction of a wall within two (2) metres of a road with a height of more than 90 centimetres above the level of the road (“the Development”).

4 Reasons for Issuing this Notice:

- 4.1 It appears that the breach of development controls has occurred within the last eight years, and that it is expedient that action should be taken to remedy the breach.
- 4.2 The Development, in terms of its excessive height where it abuts a busy road, it's scale, and lack of visibility to those pedestrians and vehicles exiting the adjoining forecourt and track onto the road results in an unacceptable and harmful form of development that fails to achieve the highest standards of accessible and inclusive design, having regard to the need for development to ensure that all stages of any journey are undertaken safely, for all users, and all

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

modes, including securing adequate visibility at connections to the road network. The Development does not meet the aims and objectives of policies SP3, TT1 and TT2 of the Bridging Island Plan 2022 and is therefore unacceptable.

- 4.3. The Chief Officer considers it is expedient to serve the notice and that there are no steps short of those required by the Chief Officer, which can be taken to remedy the breach of development controls.

5 Steps Required to Remedy the Breach:

- (i) Reduce the first 2 metres of the wall from the highway to no higher than 90 cm at any point.
- (ii) Remove all resultant debris from the land following compliance with the above step.

6 Time for Compliance:

Steps (i) and (ii) above to be complied with in full within two months of the date on which this Notice takes effect.

7. When this Notice takes effect

This Notice shall take effect 19/07/2024 unless an appeal is made no later than the end of the period of 28 days from the date of issue of this notice.

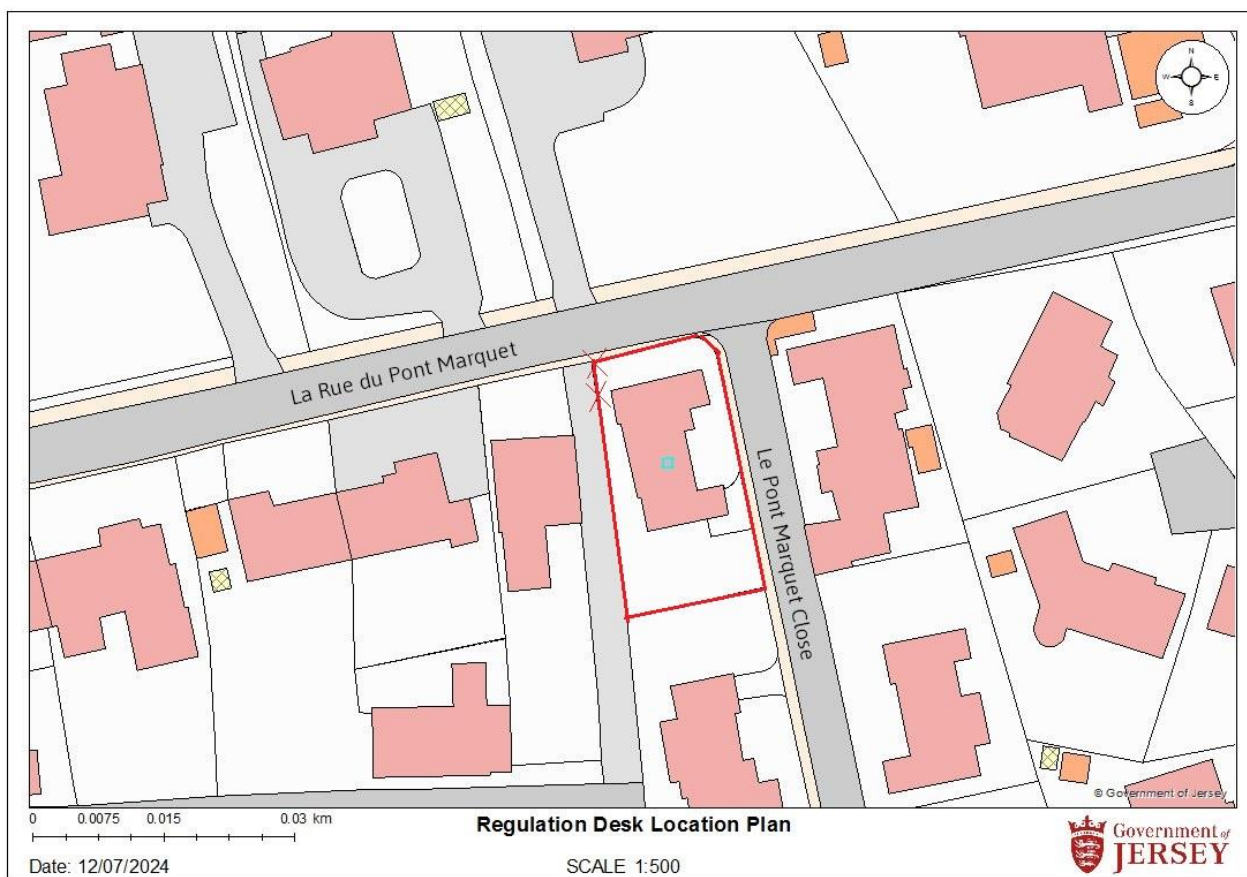
Authorised by:

Andrew Marx – Head of Service, Development and Land

For and on behalf of the Chief Officer on 18/07/2024

Issued on: 19/07/2024

Plan



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.

Your Rights of Appeal:

In accordance with Article 109 of the above Law, you may appeal against this Notice to the Judicial Greffier by writing to the Planning Tribunal, First Floor, International House, 41 The Parade, St Helier JE2 3QQ no later than 28 days from the date this Notice is issued, enclosing the required fee.

Planning Tribunal:

planningtribunal@courts.je

Appeal Information:

<https://www.gov.je/planningbuilding/appealscomplaints/pages/appealplanningbuildingdecision.aspx>

Informative: It is the landowner's duty to ensure that in complying with this Notice, he or she does so without breaching any other legislation, including, but not limited to, the