

## **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 This Notice relates to land at:**

Le Passage Development Site (Formerly Field No. L108), Le Passage, St Lawrence, Jersey.

*(Edged in RED on the attached 'Enforcement Notice - Location Plan')*

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

Without Planning Permission development has occurred at Le Passage Development Site (Formerly Field No. L108), Le Passage, St Lawrence, Jersey namely.

- 3.1 Unit 10 of the Le Passage Development Site (formerly shown as Unit 9 under planning permission P/2010/0653 and as indicated on the attached '*Enforcement Notice - Location Plan*') has not been developed in accordance with the approved plans for Unit 10 which allows for a two-storey building with room(s) within the roof space and a single storey western element. The current development of Unit 10 (formerly shown as Unit 9 under planning permission P/2010/0653) does not benefit from planning permission. The additional development at Unit 10 (formerly shown as Unit 9 under planning permission P/2010/0653) constitutes 'development' as defined in Article 5 of the Planning and Building (Jersey) Law

## **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST**

2002 and is not granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.

- 3.2 The Le Passage Development Site has not been developed in accordance with planning permission P/2010/0653, by the laying of a black macadamised surface on the vehicle access areas of the development site as shown in the attached annotated '*Enforcement Notice - Macadamised Surface Plan*'. The introduction of a black macadamised surface constitutes 'development' as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.

### **4 Reasons for Issuing this Notice:**

- 4.1 The retention of the unauthorised development at Unit 10 (formerly shown as Unit 9 under planning permission P/2010/0653), comprising the erection of a three-storey building with a western two storey element, would be contrary to the requirements of policy GD6 (Design Quality) of the Bridging Island Plan in that the development is visually discordant and out of keeping with prevailing building design and scale on this site and the wider locality.
- 4.2 The laying of a black macadamised surface within the Le Passage Development Site has had a detrimental impact upon the visual amenities of the site and does not comply with policy GD6 (Design Quality) of the Bridging Island Plan.
- 4.3 It appears that the Breach of Development Controls have occurred within the last 8 years.

### **5 Steps Required to Rectify the Breach:**

- Step 1 In respect of the breach of development control set out in paragraph 3.1, the third-storey of Unit 10 (formerly shown as Unit 9 under planning permission P/2010/0653) and the second-storey of the western two storey element of Unit 10 (formerly shown as Unit 9 under planning permission P/2010/0653) shall both be permanently removed to comply with planning permission P/2010/0653.

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Step 2 In respect of the breach of development control set out in paragraph 3.2, the development of the Le Passage Development Site by the laying of a black macadamised surface on the vehicle access areas depicted in the attached *‘Enforcement Notice – Macadamised Surface Plan’* shall be removed and replaced with brick paving of a type to be agreed in writing by the Chief Officer.

**6 Time for Compliance:**

6 months

**Date of Issue:**

**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,

28-30 The Parade, St Helier. JE49SS

**Enclosures.**

1. Enforcement Notice – Location Plan.
2. Enforcement Notice – Macadamised Surface Plan.

**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.

### **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:**

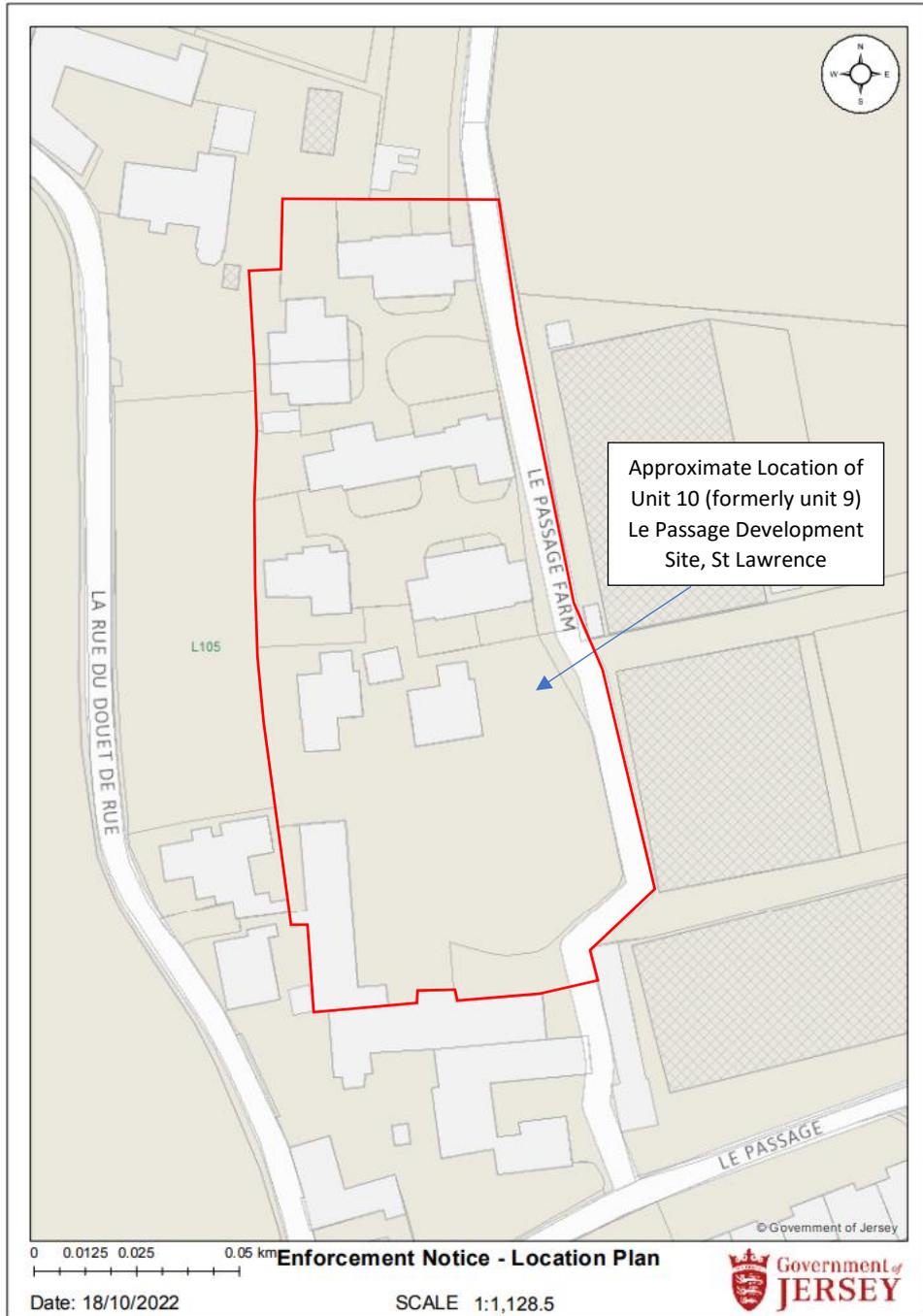
[planningtribunal@courts.je](mailto:planningtribunal@courts.je)

### **Appeal Information:**

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

**STOP NOTICE – LOCATION PLAN**  
**Le Passage Development Site, St Lawrence.**

ENF/2021/00012



ENFORCEMENT NOTICE - MACADAMISED SURFACE PLAN  
Le Passage Development Site, St Lawrence.

ENF/2021/00012



Area shaded in BLUE represents the unauthorised black macadamised surface.