

## **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:**
  - 2.1 Field No. L583, Le Chemin des Montagnes, St. Lawrence**  
(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 Field No. L583, Le Chemin des Montagnes, St. Lawrence, namely;

  - 3.1** Removal of a hedgerow or banque or other physical feature defining part of the northwest boundary of Field No. L583, Le Chemin des Montagnes, St. Lawrence, was removed to create a second, and non-agricultural, access to Field No. L583 from the domestic property '*Les Petites Montagnes Le Chemin des Montagnes, St. Lawrence*'. The operation amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and has not been 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 It appears that the breach of Development Controls has occurred within the last 8 years, and it is considered expedient to issue a notice to remedy the breach.
- 4.2 The creation of a second access into an agricultural field requires planning consent and would only be granted for agricultural use. The use of the access to Les Petites Montagnes Le Chemin des Montagnes, St. Lawrence is for domestic access only. The field boundary is situated in the Green Zone and is an historic and important feature of the rural and agricultural landscape so any interference should be carefully considered through the established application process.
- 4.3 Bridging Island Plan 2011, Policy NE3 states that development will not be supported where the proposals do not protect or improve the island's landscape unless:
- a) the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
  - b) there is no reasonably practicable alternative means of delivering those proposals without harm to landscape character; and
  - c) that harm has been avoided, mitigated and reduced as far as reasonably practicable; and
  - d) it has been demonstrated that the predicted public benefit outweighs the harm to the landscape and where the nature of that benefit to the public is clear, direct, and evidenced.

None of these points apply to this breach and therefore a planning application would likely be rejected.

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

- 5.1 Reinstate the historic field boundary between Field No. L583, Le Chemin des Montagnes, St. Lawrence and '*Les Petites Montagnes Le Chemin des Montagnes, St. Lawrence*'.

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

5.2 Cease the use of any part of the land known as Field No. L583, Le Chemin des Montagnes, St. Lawrence as a second, non-agricultural access.

**6 Time for Compliance:** 21 days.

**Date of Issue:** 23 October 2023

**Signed:** **Nina Cornish**

**Date:** 23 October 2023

(Authorising Officer)

For and on behalf of the Chief Officer;

**Nina Cornish**

Senior Officer - Compliance, Land and Habitat  
Infrastructure and Environment, Development Control,  
28-30 The Parade, St Helier. JE49SS

**Enclosures.**

1. Enforcement Notice Location Plan – Plan identifying the site of the field boundary.
2. Enforcement Notice Aerial Image (ENF/2023/00003) – Image identifying the 2016 banque or other physical feature defining part of the northwest boundary of Field No. L583, Le Chemin des Montagnes, St. Lawrence.

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

## IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

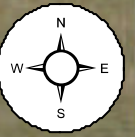
**Your Rights of Appeal:** In accordance with Article 109 of the above Law, you may appeal against this Notice to the Judicial Greffier by writing to the Planning Tribunal, First Floor, International House, 41 The Parade, St Helier JE2 3QQ no later than 28 days from the date this Notice is issued, enclosing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

Planning Tribunal:

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

Appeal Information:

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



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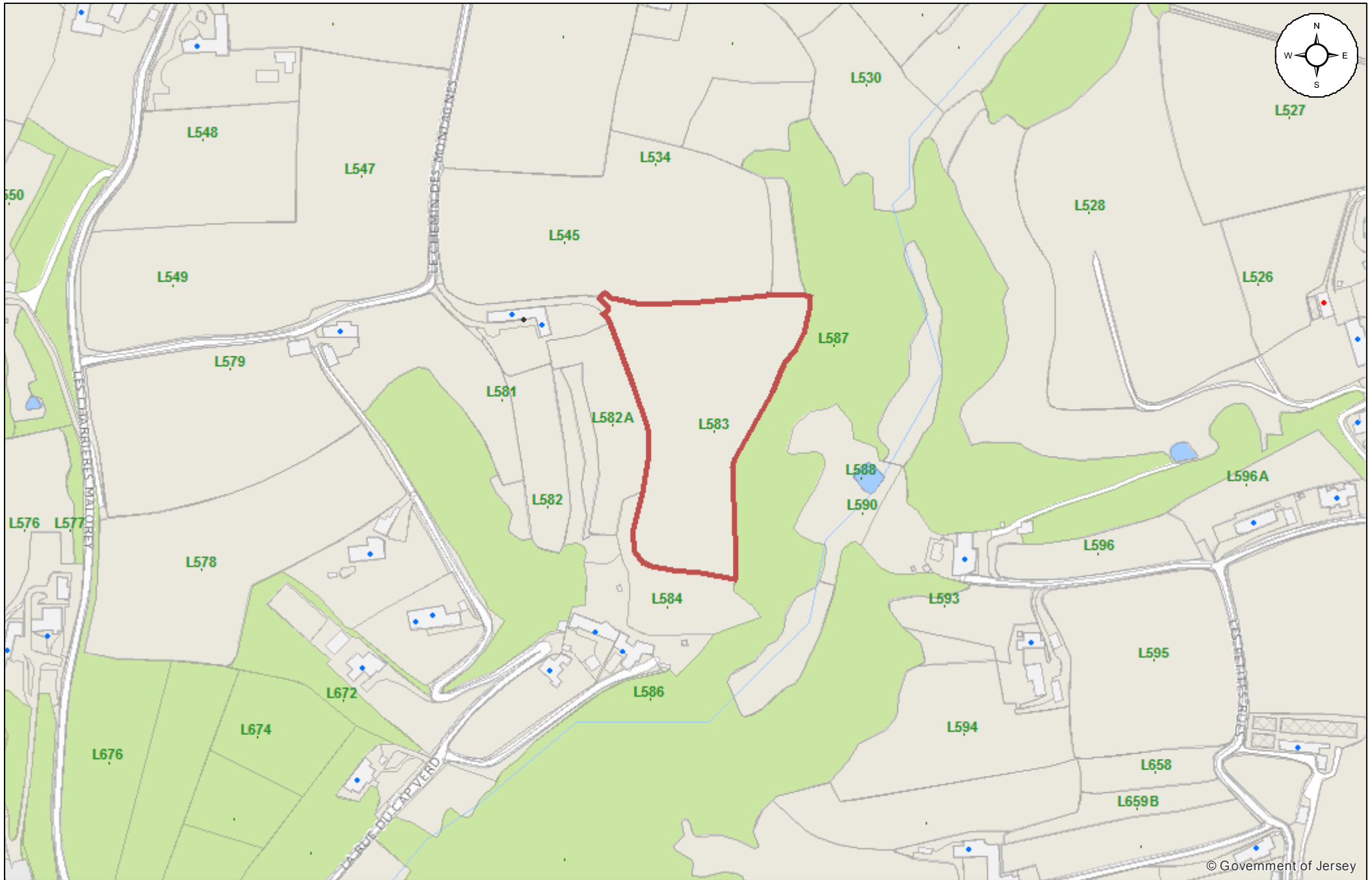
**Enforcement Notice Aerial Image (ENF/2023/00003)**

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Date: 23/10/2023

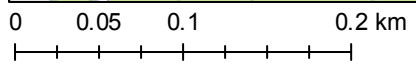
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### Enforcement Notice Location Plan



Date: 23/10/2023

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