

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:** 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 Excavation of land levels within the North-East corner of field MY10, located within the area edged blue on the attached plan

3.2 The construction of a retaining wall within the North-East corner of field MY10, indicated on the attached plan with an orange line.

3.3 The construction of a building within the North-East corner of field MY10, located within the area edged blue on the attached plan

3.4 The erection of an electricity cabinet within the South-East corner of MY10, located within the area edged in green on the attached plan

3.5 The erection of a pumping station within the South-East corner of field MY10, located within the area edged green on the attached plan

3.6 The storage of building materials and rubble within the North-East corner of field MY10, located within the area edged blue on the attached plan

3.7 The erection of a shed within the North-East corner of field MY10, located within the area edged blue 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 2005 an agricultural shed within the North-East corner of Field MY10 was badly fire damaged. A planning application to rebuild the shed upon the footprint and existing slab of the fire damaged shed was approved on the 29th of May 2014 under reference P/2014/0110. A building consent was also issued on the 6th of July 2015 under reference B/2015/0591. The approved specification for the building was stated to be of single skin granite construction.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

It is disputed whether works commenced within the 5 years given by P/2014/0110, however, the applicant's own architect has stated that the permission had lapsed in his covering letter to P/2020/0826. Regardless of whether or not the works started within this 5 year time limit, the building that was erected was not built in accordance with the approved plans. The approved plans stated that the building was to be re-built upon the existing slab. This slab was removed in 2019, therefore, it is not possible to implement P/2014/0110.

Upon discovery of the unauthorised works in August 2020, the Department agreed with the site owner that no further works should take place until the matter of planning consent had been regularised. The applicant submitted a planning application, in an attempt to regularise the works (Ref. P/2020/0826). The proposed building within this application differed to the building that was on site and the one previously approved under P/2014/0110 and B/2015/0591.

P/2020/0826 was refused on the 12th of Nov 2020. The applicant submitted an appeal, which was dismissed by way of a ministerial decision on the 29th July 2021.

Given the above, it is clear that there is no planning consent in place for the matters which appear to constitute the current breach of development controls. The reasons for refusal of P/2020/0826 are listed below.

4.1 The site forms part of the Coastal National Park which will be given the highest level of protection from development. Within this zone, there will be the strongest presumption against all forms of new development, and in the case of the redevelopment of an employment building for the same use, a new building should be no larger in terms of its gross floorspace, building footprint, or visual impact than the building being replaced. With reference to the original building on the site (as well as the 2014 permission for its reconstruction), the application proposes to increase the overall size of the building. In addition, the relocation of the building footprint within the site will result in the creation of an additional area of external yard, whilst the retention of part of the original structure would lead to an increase in the overall landscape impact of the development. For these reasons, the application fails to comply with Policy NE 6 of the adopted 2011 Island Plan (revised 2014).

4.2 By virtue of its overall design (in particular, the fenestration pattern), the proposed development would be overtly residential or domestic in character. This is considered to be inappropriate, and it would result in a development which causes harm to the natural and agricultural character of the area. For this reason, the application fails to comply with Policies GD 1, GD 7, and NE 6 of the adopted 2011 Island Plan (revised 2014).

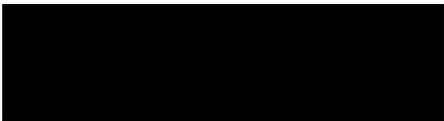
5 Steps Required to Rectify the Breach: (what you are required to do):

- 5.1 Restore the land levels equal to those prior to the unauthorised excavation, as indicated on the approved drawing No. 908/01, which is attached to this notice.
- 5.2 Remove the unauthorised retaining wall structure indicated with an orange line on the attached plan.
- 5.3 Remove the building, slab and any foundations upon which the building stands.
- 5.4 Remove the electricity cabinet and all associated hardstanding and cabling.
- 5.5 Remove the pumping station and any associated hardstanding and ducting.
- 5.6 Remove all building materials from site and clear any waste materials resulting from the demolition.
- 5.7 Remove the shed and any associated hardstanding.

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

7. **Date of Issue:**

Signed  ate
(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 images
3. Drawing No. 908/01

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 by writing to the Greffier no later than 28 days beginning with the date this Notice is issued.

2018



2019

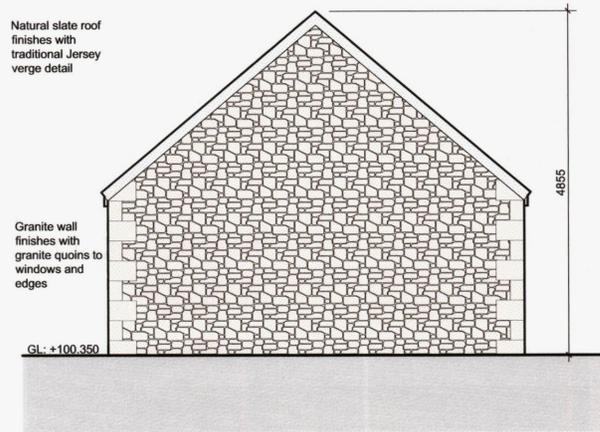


2020



All dimensions are to be checked on site before the commencement of any works including the order of materials. Any discrepancies are to be reported to the Architect. Do not scale from this drawing. Unless the title 'Contract' or 'Working' has been added to these drawings then these drawings are not for site use and we will accept no responsibility for errors or omissions, the drawing will also not be adjusted to include for SER requirements. This drawing is design copyright © Andrew Harvey Architects Ltd. Digimap Licence Number J48. Portions of this drawing may include intellectual property of the States of Jersey and are herein used by permission.

Rev: I	Date:	Revision Note:
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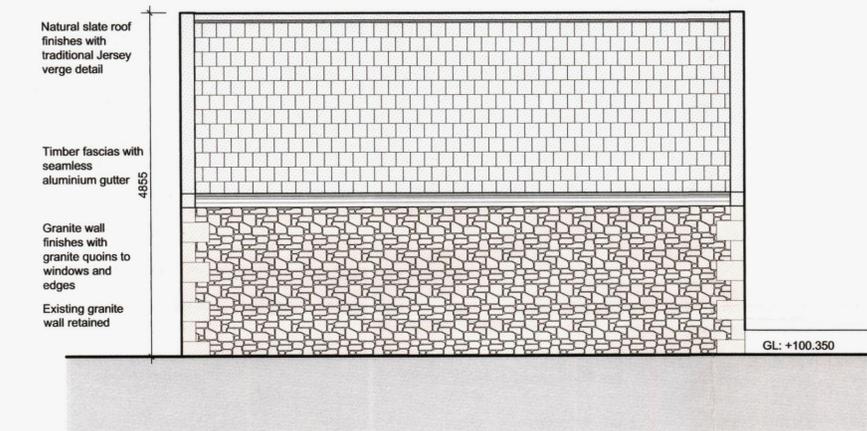
South East Elevation



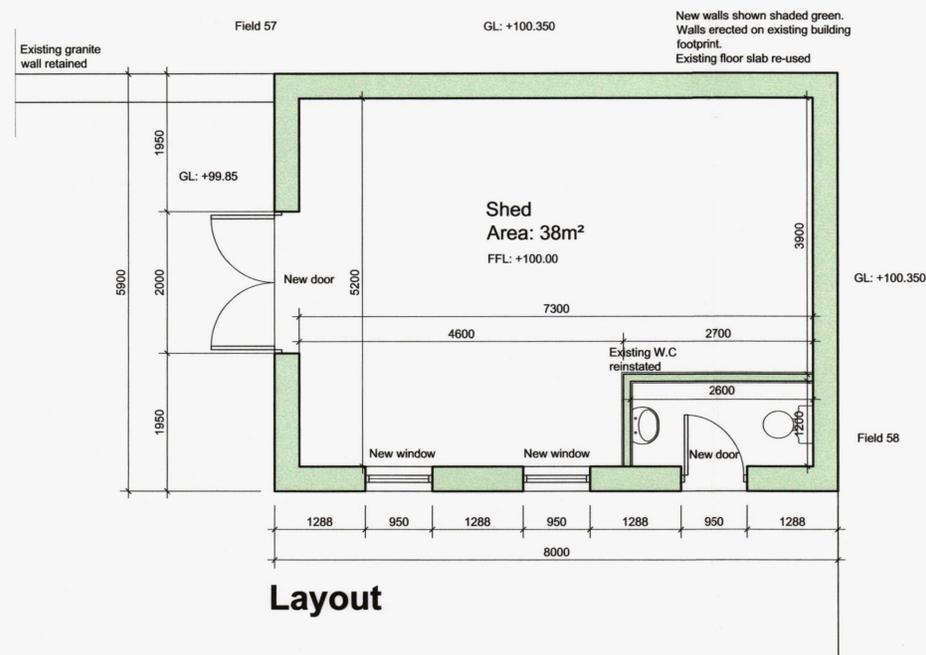
North West Elevation



South West Elevation



North East Elevation



Layout

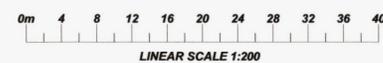
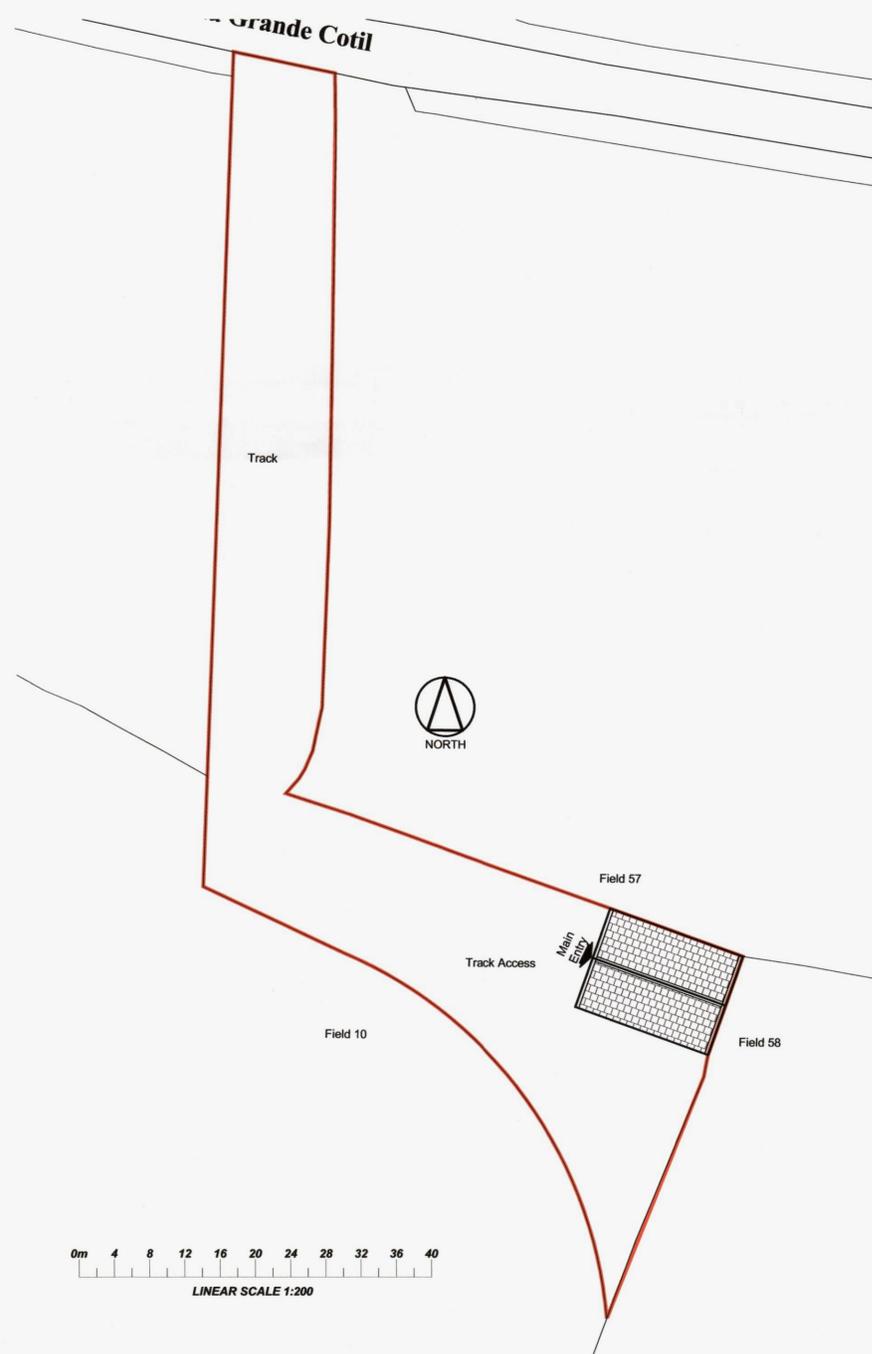


Photo A Existing West Elevation

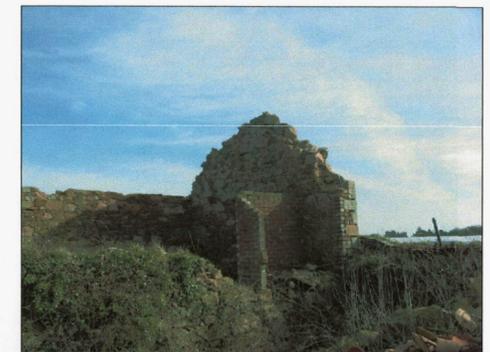


Photo B Existing South Elevation

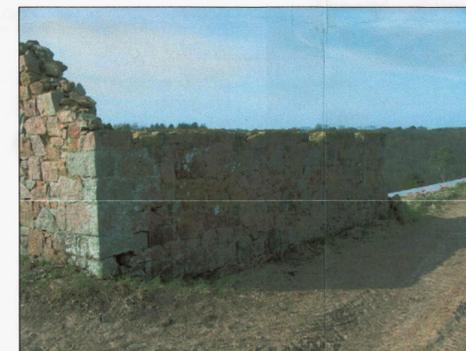


Photo C Existing North Elevation



Photo D Existing East Elevation

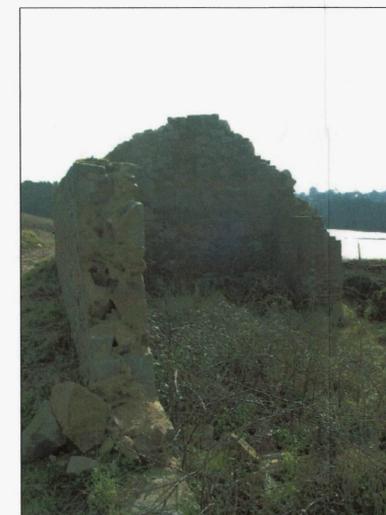


Photo D Existing West Elevation

Mr. G. Herve

project title
Re-Build Existing Shed at La Grande Cotil Rue de la Rondin St. Mary

drawing title
Layout Plan, Elevations & Site Plan

Planning Application

scale(s): 1:50 / 1:200 @ A1	date: March 2013	drawn: R.M	checked:
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drawing number: 908 / 01	revision
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