

## **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:** Ferndale Farm, La Rue de la Grande Vingtaine, St. Peter, JE3 7FD shown 'edged in RED' on the attached plan.

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

Without Planning Permission;

- a. a material change of use of the building (marked '1' on the attached plan) from farm shop to a mixed use as Farm shop and cafeteria with external 'Al-Fresco' seating; and,
- b. unauthorised development comprising the siting of a timber clad portacabin to the west of the car park (marked '2' on the attached plan) for use as a 'craft' workshop.

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

On 23 May 2006 planning permission (ref: P/2005/1427) was approved to "Construct packing shed and farm shop. AMENDED PLANS: Car parking area increased in size. Amended access and driveway details". Subsequently on 28 February 2007 further planning permission (ref: P/2006/2737) was approved to "Construct storage shed and farm shop. AMENDED PLANS: Increase footprint of farm shop to match that previously approved" and then on 4 March 2015 further planning permission (ref: P/2014/2142) was approved for "RETROSPECTIVE: Change of use of farm shop kitchen to separate external catering business". There is no planning consent for the matters which appear to constitute the current breach of development controls.

- a. The site lies within the Green Zone wherein there is a high level of protection and a general presumption against development.
- b. The unauthorised provision of the cafeteria and craft workshop has resulted in a loss of retail floor space approved for the farm shop building and intensified the existing use of the site in general causing a significant increase in traffic, noise

## IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

and general disturbance which is considered detrimental to the amenity of neighbouring residential properties and highway safety.

- c. The unauthorised development is contrary to Policies NE7, GD1 and ERE2 of the Adopted Island Plan 2011 (Revised 2014) and as such the department considers planning permission should not be approved because planning conditions cannot be imposed that would make the unauthorised development acceptable.

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

- a. Within the building marked '1' on the attached plan, permanently cease the use of the premises as a cafeteria and remove the al-fresco seating.
- b. Cease the use of the land for a craft workshop and permanently remove from the land the craft workshop/portacabin and all the materials, fixtures and fittings comprising its construction and make good the ground surface on which it is sited.

**6. Time for Compliance:** You are required to have complied with this notice by the end of 28 days commencing from the day that this notice is issued.

**7. Date of Issue:** 22 October 2020

**Signed:**  .22 October 2020

(Authorising Officer)

For and on behalf of the Chief Officer;

Chris Jones

Senior Planner Development Control

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

**Enclosures.**

1. Enforcement Notice Plan.

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

**Persons or entity to who this Notice is served:**

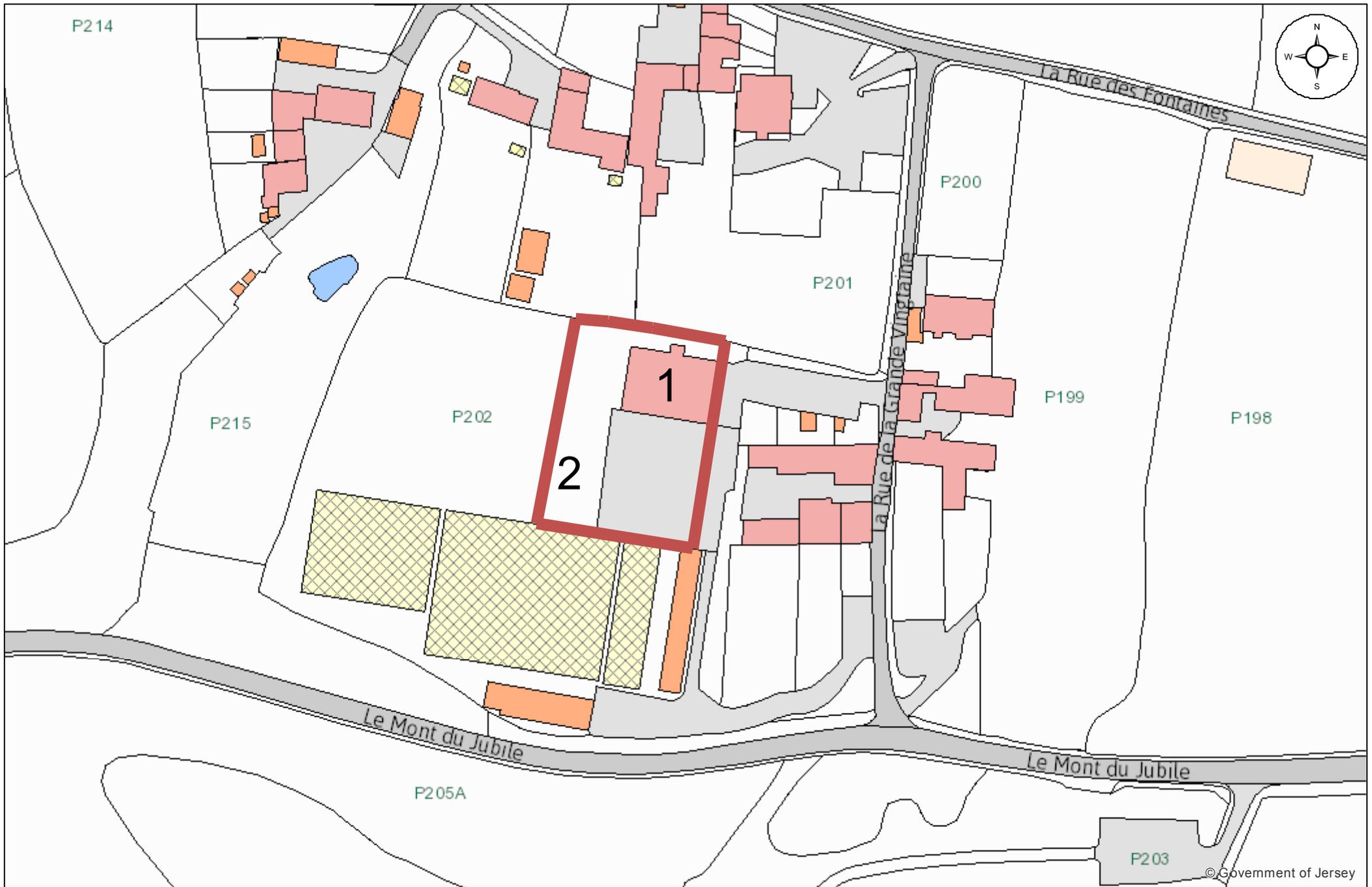
Caroline Parsons

Graham Raymond Barette

**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 20002.

**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.



0 0.025 0.05 0.1 km

Date: 22/10/2020

# Location Plan

SCALE 1:1,250