

Compliance Case No. CMP/2018/00265

Enforcement No. ENF/2020/00003

## **ENFORCEMENT NOTICE PLANNING AND BUILDING (JERSEY) LAW 2002**

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:** Field No. P747A & P747B, Le Mont Fallu, St. Peter; and Uplands Farm, La Route de Beaumont, St. Peter, JE3 7BQ, shown edged RED on the attached plan.
3. **The Breach of Development Controls:** Without planning permission, a material change of use of land from agricultural use to a mixed use of agriculture and as;
  - a. The operations base, vehicle depot and yard, including the parking and storage of vehicles, trailers, plant and machinery, containers and goods associated with a commercial tarmacadam and resurfacing business
  - b. A material change of use of an agricultural building (marked 'x' on the attached plan) to a use as a vehicle workshop associated with the tarmacadam resurfacing business;
  - c. The construction of 2no areas of hardstanding (as indicated hatched black on the attached plan); and,
  - d. The use of the 2no. areas of hardstanding (as indicated hatched black on the attached plan) for the parking and storage of commercial and non-commercial vehicles, boats, containers, plant and machinery.
4. **The Reasons for Issuing the Notice:** It appears that the above breach of development controls has occurred within the last 8 years.

The use of the land as a commercial depot and yard as the operations base of the resurfacing company and the associated storage of vehicles, trailers, containers and goods associated with the business operations and the formation of areas of hardstanding is an intensive commercial operation which is at significant odds with the authorised agricultural use of the land.

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Regulation**

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The breaches of development control represent a discordant and harmful land use, that neither preserves or enhances the landscape character of the Green Zone and is detrimental to both the use of the land for its lawful agricultural use and the amenity of neighbouring land users due to the intensified nature of the commercial operations, vehicles and employees/contractors attending, entering and leaving the site which is within the Airport Public Safety Zone.

The unauthorised development is therefore contrary to Policies NE7, ERE1, TT17 and GD1 of the Adopted Island Plan 2011 (Revised 2014).

The department considers planning permission should not be approved because planning conditions cannot be imposed that would make the unauthorised development acceptable.

**5. You are required to:**

- a. Cease the use of the land as an operating base for the commercial vehicle depot and storage yard associated with tarmacadam resurfacing operations;
- b. Cease the use of the agricultural building for any non-agricultural use including its use as a vehicle repair/maintenance workshop associated with the tarmacadam resurfacing business and remove all vehicles, spare parts, equipment and machinery facilitating that use
- c. Remove from the land all vehicles, trailers, plant, machinery and containers associated with the tarmacadam resurfacing operations and any other vehicles, trailers, plant, machinery or container that is not in use for the purpose of agriculture within the unit.
- d. (1) Remove the 2 areas of hardstanding shown hatched black on the attached plan and all materials comprising their construction and (2) Re-cover those areas with topsoil to a minimum depth of 300mm, levelled to a gradient with that of the surrounding land and reseed those areas with grass.

**6. Period of compliance:** 3 months from the date of issue of this notice.

**7. What will happen if this Notice is not complied with:** If you fail to comply with this Notice, you may be liable to prosecution under the appropriate Article of the Planning and Building (Jersey) Law 2002 for developing land without the benefit of planning permission as well as failing to comply with an Enforcement Notice.

**8. Right of Appeal:** In accordance with Article 109 of the above Law, you may appeal against the Notice, in writing to the Greffier no later than the end of the period of 28

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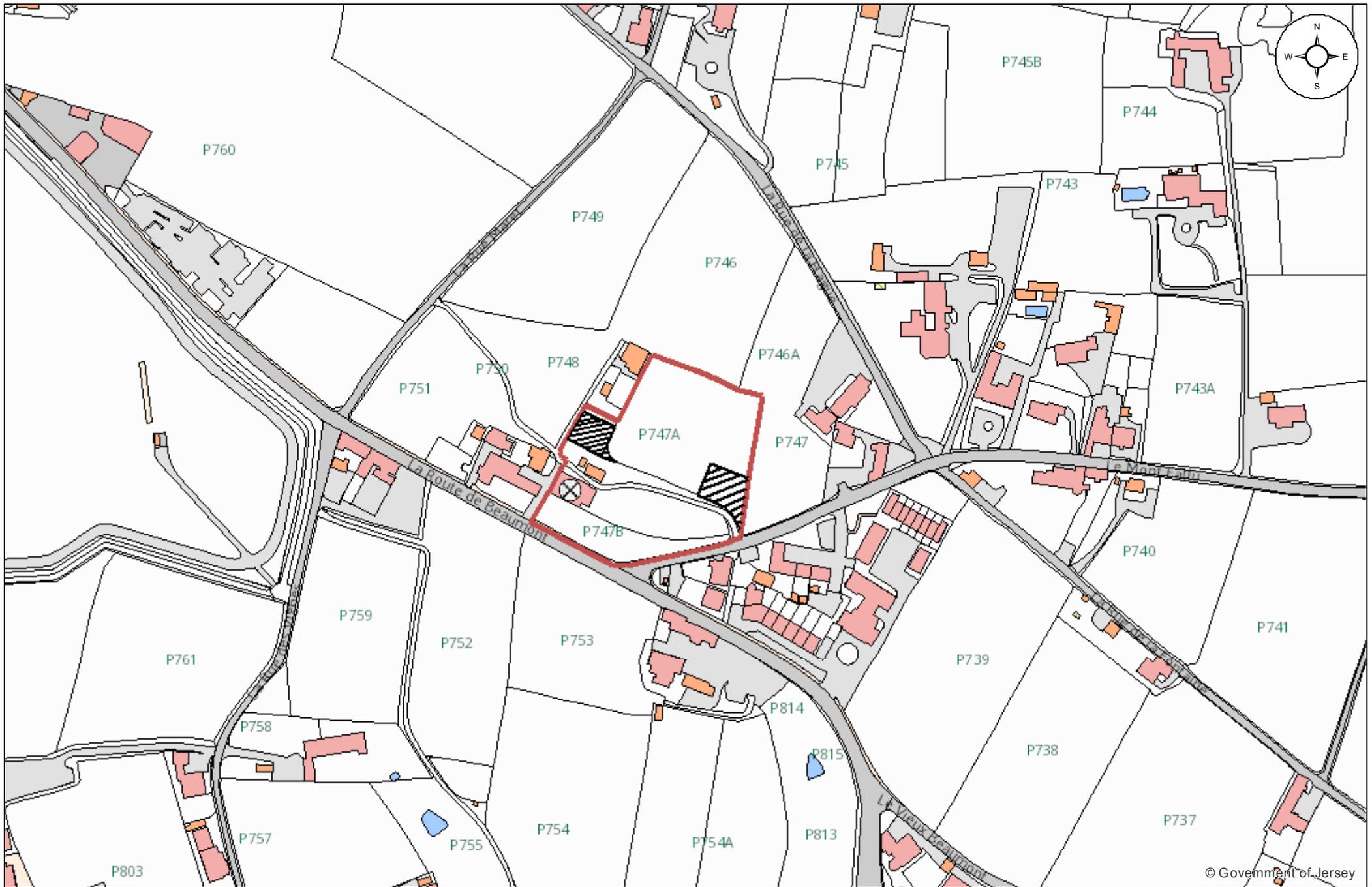
days beginning with the date of issue of the Notice. The date of the issue of the Notice shall be taken as the date stated below.

SIGNED



Dated: 31/07/2020

For and on behalf of the Chief Officer



0 0.05 0.1 0.2 km

Date: 29/07/2020

# Location Plan

SCALE 1:2,500

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