

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:

Field No. C70, Jardin de la Blinerie, St. Clement

(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. C70, Jardin de la Blinerie, St. Clement

3.1 At the north-west end of the boundary between Field C 70 and La Rue Du Coin a section of hedgerow and banque has been removed to create a new field vehicular access path (as indicated 5.1 on the attached '*Enforcement Notice Location Plan*') together with the introduction of hard standing and plastic vehicle matting at the entrance (as indicated 5.2 on the attached '*Enforcement Notice Location Plan*'). The removal of the hedgerow and banque was originally carried out whilst authorised development (under P/2019/0344) was being undertaken at the adjacent premises of Petit Champeaux, La Rue du Coin, St. Clement, JE2 6QR. Conditional permission existed for the temporary removal of the hedgerow and banque by virtue of Part 3, Class C of the Planning and Building (General Development) (Jersey) Order 2011. The authorised development under

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

P/2019/0344 is now complete. The conditional permission by virtue of Part 3, Class C of the Planning and Building (General Development) (Jersey) Order 2011 no longer exists. The removal of this section of hedgerow and banque and introduction of hard standing and plastic matting amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not currently granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.

- 3.2 Within field C 70 and adjacent to the north-west end of the boundary between Field C 70 and C 69, two wooden timber raised beds have been constructed (as indicated 5.3 on the attached '*Enforcement Notice Location Plan*'). The operation of constructing these two structures within an agricultural field constitutes development that requires planning permission. The construction of these two structures amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not currently granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.

4 Reasons for Issuing this Notice:

It appears that the Breaches of Development Controls have occurred within the last 8 years.

Field C70 lies within the Green Zone as defined in the Jersey Island Plan 2011 (Revised 2014), wherein lies a general presumption against development that would cause serious harm to landscape character.

The formation of the new vehicular access to gain a secondary access into Field C70 has led to the loss of part of a substantial roadside bank which is not justified, is visually damaging to the landscape character of the area, has implications for wildlife and for the agricultural use of the land. The proposal is therefore contrary to policies GD1, NE7, NE4, NE1, NE2, NE3 and ERE1 of the Adopted Island Plan 2011 (Revised 2014).

5 Steps Required to Rectify the Breach:

- 5.1 **Step 1** - Reinstate the previously removed banque as set out in 3.1 above and as indicated by the blue shaded area marked 5.1 on the attached '*Enforcement*

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Notice Location Plan, so that the dimensions of the reinstated banque are between 1.80m and 2.00m wide at the base of the banque and between 0.65m and 0.75m high at the top. The reinstated banque to be made up of topsoil mixed with stones in a proportion suitable for growing shrub vegetation.

- 5.2 **Step 2** - Remove the hard standing and plastic vehicle matting from the north west corner of field C70 as set out in 3.1 above and as indicated by the yellow shaded area marked 5.2 on the attached plan headed "*Enforcement Notice Location Plan*". Having removed the hard core and plastic matting, reinstate the ground level back to its original state so that it matches the ground level for the immediate land, adjacent to the area of unauthorised hard core and plastic matting.
- 5.3 **Step 3** - Remove the two wooden timber raised beds and all drainage aggregate therein, as set out in 3.2 above and as indicated by the two green shaded areas marked 5.3 on the attached plan headed "*Enforcement Notice Location Plan*". To reinstate the ground level back to its original state so that it matches the ground level for the immediate land, adjacent to the unauthorised timber raised beds.

6 Periods for Compliance:

60 days

Date of Issue: 7th January 2022

Signed:  Date: 6th January 2022
(Authorising Officer)

For and on behalf of the Chief Officer;


Senior Planner (Regulation)

Infrastructure Housing and Environment, Development Control,
28-30 The Parade, St Helier. JE49SS

Enclosures.

1. Enforcement Notice Location Plan
2. Enforcement Notice Aerial Images (2017 to 2021 inclusive)
3. Enforcement Notice Site Images (Recorded on 04.01.2022)

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:

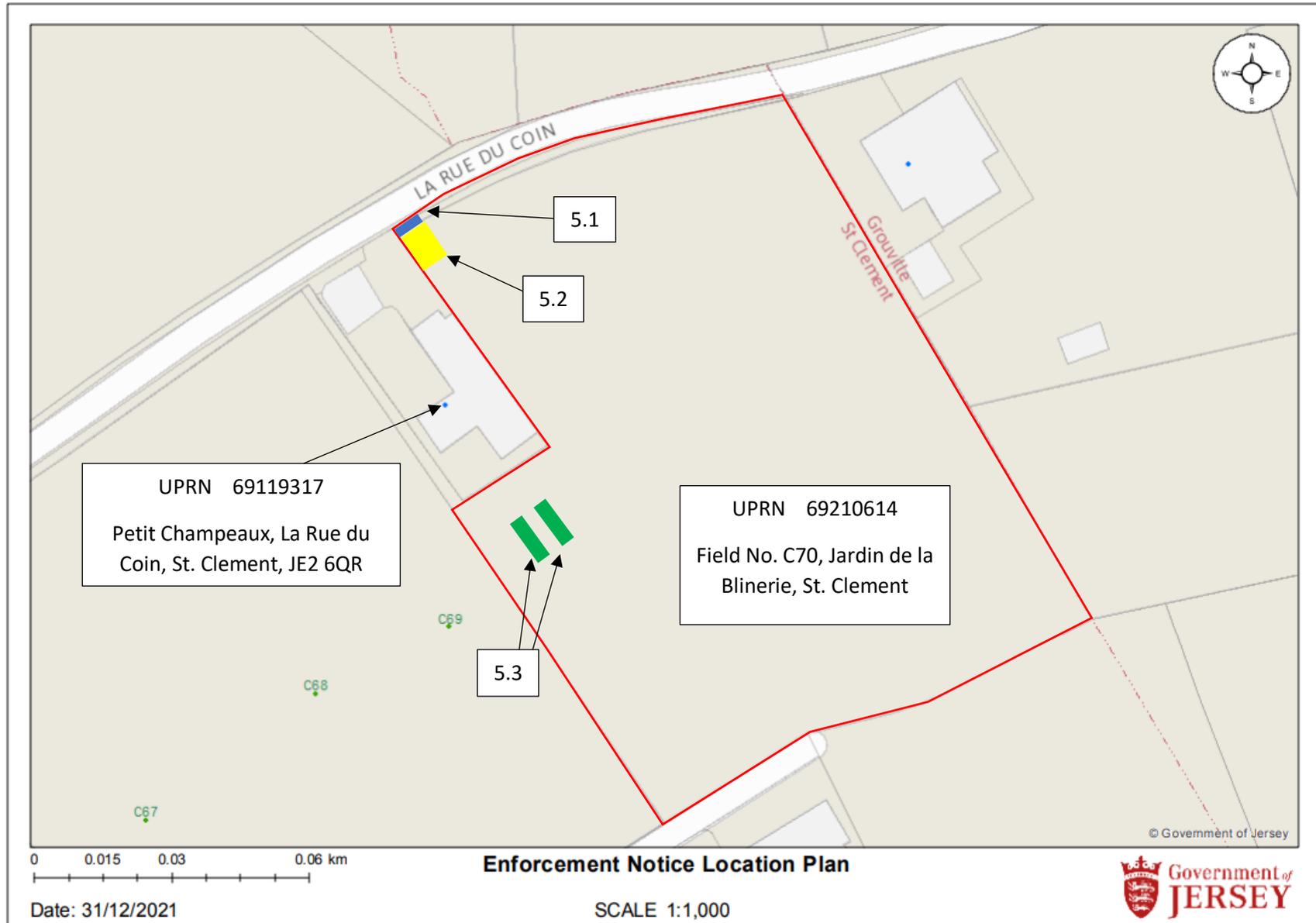
planningtribunal@courts.je

Appeal Information:

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

ENFORCEMENT NOTICE LOCATION PLAN

ENF/2021/00018



ENFORCMENT NOTICE AERIAL IMAGES

ENF/2021/00018



Aerial Image – 2017

Jersey Mapping System

ENFORCEMENT NOTICE AERIAL IMAGES

ENF/2021/00018



Aerial Image – 2018

Jersey Mapping System

ENFORCEMENT NOTICE AERIAL IMAGES

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Aerial Image – 2019

Jersey Mapping System

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Aerial Image – 2020

Jersey Mapping System

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Aerial Image – 2021

Jersey Mapping System

ENFORCEMENT NOTICE SITE IMAGES

ENF/2021/00018



Figure 1
Field C 70 and La Rue Du Coin, St Clement.
Recorded on 04.01.2022



Figure 2
Field C 70 and La Rue Du Coin, St Clement.
Recorded on 04.01.2022

ENFORCMENT NOTICE SITE IMAGES

ENF/2021/00018



Figure 3
Newly created entrance to Field C70 from La Rue Du Coin, St Clement.
Recorded on 04.01.2022



Figure 4
Raised flower beds within Field C 70 to the south of 'Petit Champeaux'
Recorded on 04.01.2022