

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal Decision: ENF/2021/00017 (Les Chevaux Blancs, 2 Zeelandia, Le Mont a la Brune, St Peter, JE3 7FL)
Minister	Environment
Signatory	Minister
Lead Department	Strategic Policy, Planning and Performance (SP3)
Lead Directorate	Strategy and Innovation (SP3)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Private Secretary, Ministerial Office
Date of Report	25/05/2022
Supplementary Report Titles (If applicable)	Inspector's Report: ENF/2021/00017 (Les Chevaux Blancs, 2 Zeelandia, Le Mont a la Brune, St Peter, JE3 7FL)
Supplementary Report Authors (If applicable)	Graham Self MA MSc FRTPi
Date of Supplementary Report (If applicable)	19/04/2022
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public
Relevant Case/Application/URN (Only complete if making a decision related to an appeal/case/application)	ENF/2021/00017
Relevant Proposition Number (Only complete if presenting Comments or if lodging an Amendment)	
Relevant Scrutiny Report (Only complete if presenting a ministerial response)	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Planning and Building (Jersey) Law 2002.
Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Introduction

Following an appeal by Mr Martyn Stratford against an enforcement notice issued on 30 December 2021, Mr Graham Self was appointed as the planning inspector to prepare a report for the Minister's consideration.

Recommendation

In line with the recommendations of the inspector, correct and vary the enforcement notice and dismiss the appeal.

Detail

The inspector recommends that the appeal be dismissed, and the enforcement notice upheld, reference ENF/2021/00017, subject to the following variations:

- i. deleting the word "boarders" from the allegation and substituting "borders";
- ii. deleting "Breaches" from paragraph 4.1 and substituting "Breach".
- iii. deleting "would be" from paragraph 4.2 and substituting "is".
- iv. deleting the text setting out the requirements and substituting: "Remove the wooden fencing and any associated footings and posts located at the southern boundary of Les Chevaux Blancs, 2 Zeelandia, Le Mont de la Brune, St Peter, JE3 7FL bordering Le Mont de la Brune".

Revised requirements of Enforcement Notice ENF/2021/00017

The Minister for the Environment hereby varies the original Enforcement Notice by replacing sections 3, 4, 5 and 6 with the following requirements:

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

Without Planning Permission development has occurred at Les Chevaux Blancs, 2 Zeelandia, Le Mont a la Brune, St. Peter, JE3 7FL namely;

3.1 At the southern boundary of Les Chevaux Blancs, 2 Zeelandia, Le Mont a la Brune, St. Peter, JE3 7FL that borders Le Mont a la Brune, a wooden panel fence has been erected without prior planning consent. The fence amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not 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.

4.2 The fence located on the southern boundary of Les Chevaux Blancs, 2 Zeelandia, Le Mont a la Brune, St. Peter, JE3 7FL by virtue of its size, design and siting is dominant and intrusive in the rural landscape and therefore harmful to the landscape character of the area.

5 Steps Required to Rectify the Breach:

Remove the wooden fencing and any associated footings and posts located at the southern boundary of Les Chevaux Blancs, 2 Zeelandia, Le Mont de la Brune, St Peter, JE3 7FL bordering Le Mont de la Brune.

6 Time for Compliance:

45 days from the date of the Ministerial Decision.