

Regulation  
Infrastructure and Environment  
PO Box 228  
St Helier  
JE4 9SS  
[www.gov.je](http://www.gov.je)



Compliance Case Ref: CMP/2022/00038  
ENF/2024/00001

## **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 L'Abri, La Route de la Trinité, Trinity, JE3 5JP** (edged in RED on the attached Enforcement Notice Location Plan)
  
- 3 The Matters which appear to constitute the Breach of Development Controls:** Without Planning Consent development has occurred at the site, namely;
  - i. Without the necessary planning permission making a material change of use of the land for the storage of granite and associated materials.
  - ii. Without the necessary planning permission, the laying of hardstanding from the public road to the cottage.
  - iii. Without the necessary planning permission, the unauthorised demolition and rebuild of the granite wall forming the western boundary of the garden, from the southwest corner of the house to the south for 15 metres.

**4 Reasons for Issuing this Notice:**

- a) It appears that the breaches of development controls have occurred within the last 8 years and that it is expedient to take action to remedy the breaches.
- b) L'Abri is a Grade 3 Listed Building (TR0187) and therefore, as a Site of Special Interest, is provided with a higher level of protection under the Planning and Building (Jersey) Law 2002, and any development requires planning permission. Part vi)(a) '**Restricted activities**', of the Schedule to TR0187, specifically provides that any activity which might harm or deface the site requires express consent.
- c) Alterations to listed buildings and places should be of an appropriate design and scale, using traditional materials and incorporating skilled work and craft. Any replacement of the fabric of listed buildings or places should be kept to a minimum in order to maintain the integrity, authenticity and character of the building or place.
  - i. The storage of granite causes serious harm to the character and appearance of this historic site. The granite storage, injures or defaces the site or a part of the site, and further adversely affects the special interest of the site and its setting.
  - ii. The laying of hardstanding injures or defaces the site or a part of the site, and further adversely affects the special interest of the site and its setting.
  - iii. the demolition and poor reconstruction of the wall are activities which injure or deface the site or a part of the site, and further adversely affects the special interest of the site and its setting.
- d) The historic environment is central to Jersey's cultural heritage and island identity. As one of its five strategic priorities, the Government of Jersey seeks to protect and value this environment to retain the island's sense of place, culture and distinctive local identity. The unauthorised development causes serious harm to the landscape character of this sensitive rural area and would fail to meet the requirements of Policy HE1 of the Bridging Island Plan 2022.

**5 Steps Required to Rectify the Breach:**

Remove the unauthorised development and restore the land to a condition comparable to that prior to undertaking the unauthorised works by:-

1. Cease the use of the land for the storage of granite and associated materials.
2. Remove the stored granite and associated materials from the land, with the exception of salvaged stone from the boundary wall demolished without planning permission.
3. Break up the unauthorised hardstanding.
4. Remove all resulting debris from the land.
5. Return the land to garden.
6. Take the following steps as marked out on the attached plan.

(a) Red section - Measured from the original southern limit of the wall, the 3 metres of demolished granite wall shall be rebuilt, in a traditional form, to match the surviving sections of wall to the north. The building line shall be identical to the original as per aerial image 2021 (attached to notice). The current construction, re-using salvaged dressed stone from other sites, shall be de-constructed completely and the arising stone removed from the site.

On removal of the current unauthorised southern wall, the reconstructed wall shall be built to the original height, : being no more than 100mm higher than a horizontal line drawn from the top of the southwestern porch of the house. The construction of the new wall shall be of traditional granite walling stone using undressed Jersey granite with lime mortars. Its eastern facing shall match the surviving northern section of wall in terms of stone coursing, pattern and pointing.

Where available, granite stones salvaged from the demolished southern part of the wall shall be reused and any stone to make up loss shall match. The new wall shall not be constructed in any other non-traditional method such as concrete block with stone facing.

## **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST**

(b) Blue Section - The 12-metre historic northern section of wall shall be altered to remove additional height where new walling stones, dressed stones and copings have been added. The new work shall be deconstructed so that the wall matches the original height: being no more than 100mm higher than a horizontal line drawn from the top of the southwestern porch of the house. The dressed stones and coping stones shall not be reused on this wall. The wall head shall be made good, creating a new horizontal line finished with a traditional cementitious hard top.

(c) Orange Section - The new steps formed to the north of the wall and to the west of the gable of the house shall be removed and the land returned to its former state.

**6 Time for Compliance:** One (1) calendar month from the date this Notice takes effect.

**Date of Issue:** 18 March 2024

**Nina Cornish, Senior Officer, Compliance, Land and Habitat**

For and on behalf of the Chief Officer.

### **Enclosures.**

1. Enforcement Notice Location Plan (ENF/2024/00001)
2. Schedule TR0187, Listed Buildings and/or Places, L'Abri, La Route de la Trinite in the Parish of Trinity
3. Aerial image – 2021
4. Boundary Wall – (Areas - a,b,c) Marked Plan

**Informative.** Any other item or issue not specified in this enforcement notice may be the subject of a separate 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](mailto:planningtribunal@courts.je)

Appeal Information:

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



L'Abri La Route de la Trinite Trinity

© Government of Jersey

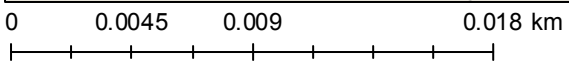
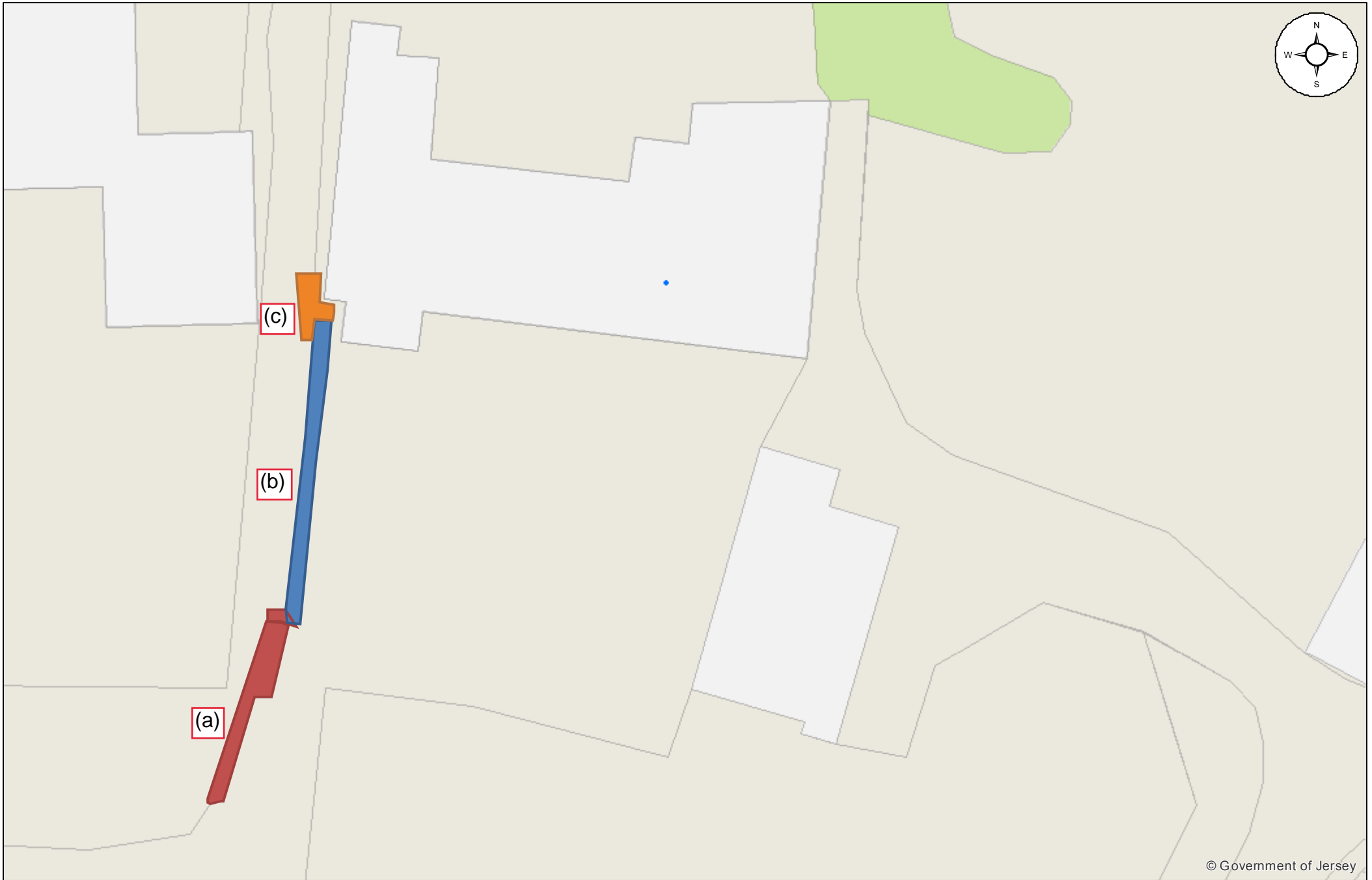
0 0.0045 0.009 0.018 km

Date: 11/01/2024

L'Abri - 2021

SCALE 1:282.12





**Boundary Wall - Marked Plan**

Date: 07/02/2024

SCALE 1:282.12

© Government of Jersey

