

Assistant Minister for the Environment

Schedule of Enforcement Notice requirements: Field MN770, Le Clos du Fallu, St Martin
Reference: ENF/2022/00017

The Assistant Minister for the Environment has varied the requirements of the Enforcement Notice which now read as follows:

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

Without Planning Permission development has occurred at Field MN770, La Rue du Clos Fallu, St Martin, namely:

3.1 The site of Field MN770 has materially changed from its use as a landscape and gardening business including storage shed to general commercial use specifically for the storing and hiring to the public of plant and machinery by its tenant, 4group. The change of use amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and has not been 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 breaches of Development Controls have occurred within the last 8 years.

4.2 The grant of planning permission under Permit P/2008/0890 was to 'Construct shed and 2 No. polytunnels. AMEDED [sic] PLANS: Amended layout'. Condition 2 requires 'No outside storage or display of materials, waste, machinery or vehicles shall take place on the site, unless otherwise agreed in writing with the Minister for Planning and Environment.'

Items connected with a commercial hire business have been introduced at various locations outside the shed and lean-to in areas although no agreement with the Minister has been made for external storage.

4.3 The use of the land as a depot for a plant and equipment hire business introduces a commercial retail element and represents a change in use from the landscape, gardening and storage shed use.

5 Steps Required to Rectify the Breach:

Cease the unauthorised development by;

5.1 Ceasing the use of any part of the land known as Field MN770 as a depot for plant and equipment hire.

5.2 Remove from the land all vehicles, plant and/or equipment brought on to the land for the purpose of that use.

5.3 Returning the use of the land known as Field MN770 St Martin to agriculture and horticulture, as set out in decision notice P/2008/0890.

6 Time for Compliance: 30 days.

END