

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Enforcement notice appeal decision: ENF/2022/00011 (Transform Together Fitness, AC Gallie Warehouse, Longueville Road, St. Saviour)
Minister	Environment
Signatory	Minister
Lead Department	Cabinet Office
Lead Directorate	Housing, Environment and Placemaking
Ministerial Decision Summary: Public or <a href="#">Absolutely/Qualified</a> 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	Principal Policy Planner
Date of Report	22/02/2024
Supplementary Report Title <i>(If applicable)</i>	Inspector's Report: Transform Together Fitness, AC Gallie Warehouse, Longueville Road, St. Saviour
Supplementary Report Author <i>(If applicable)</i>	D A Hainsworth LL.B(Hons) FRSA Solicitor
Date of Supplementary Report <i>(If applicable)</i>	15/11/2023 Select Date of Supplemental Report.
Ministerial Decision Report: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	ENF/2022/00011
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.

Associated Law(s) and/or Subordinate Legislation	Articles 108 - 111 of the 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 against the serving of an enforcement notice, reference ENF/2022/00011 David Hainsworth was appointed as the Independent Planning Inspector to consider the appeal and planning application and all statements and other associated plans and documents.

The Inspector visited the site and surroundings before holding a hearing and preparing and submitting a report for the Minister's consideration.

### **Recommendation**

- A. That the Inspector's conclusions and recommendations be noted.
  
- B. That the appeal against the enforcement notice be dismissed.

### **Reason for decision**

The Minister accepted the reasoning of the inspector. The Minister also gave consideration to the Inspector's recommendation at paragraph 23 of his report in respect of the possible determination of the related planning application, reference, RC/2023/0376. However, the Minister considered it important that he does not involve himself with, or try to influence, the established procedures of the Regulation section of the Department of Infrastructure and Environment in respect of potential enforcement action or planning application proposals. To do so would, the Minister believes, prejudice his position and impartiality as decision-maker in any subsequent appeal. The Minister, therefore, chose not to give effect to the Inspector's advice as suggested in paragraph 23 of the report.