

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Enforcement Notice appeal decision: ENF/2022/00013 (Land to the East of Eastern Joinery Works, Cleveland, La Rue de Samares, St. Clement)
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: Land to the East of Eastern Joinery Works, Cleveland, La Rue de Samares, St. Clement
Supplementary Report Author <i>(If applicable)</i>	D A Hainsworth LL.B(Hons) FRSA Solicitor
Date of Supplementary Report <i>(If applicable)</i>	26/02/2024 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/2022/00013
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 requirements of an Enforcement Notice, reference ENF/2022/00013, David Hainsworth was appointed as the Independent Planning Inspector to consider the appeal and all statements and other plans and documents associated with the appeal.

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

### Recommendation

- A. That the appeal against the enforcement notice be allowed on ground (g) and dismissed in all other respects.
- B. That the Enforcement Notice be varied by replacing paragraph 6 (Periods for Compliance) with:  
  
"6 Periods for Compliance  
  
Steps 1 and 2; 12 (twelve) months from the date of the determination of the appeal against this notice."
- C. The requirements of the revised Enforcement Notice are as specified in the accompanying Schedule of Enforcement Notice requirements.

### Reason for decision

The Minister agreed, in the main, with the findings and reasoning of the Inspector.

In particular, the Minister took note of the Inspector's report at paragraph 8 which concluded that: *"I consider that the compliance period of six months imposed by the notice does not fall short of the time which should reasonably be allowed"*. Paragraph 6 of the Inspector's report stated that the appellant *"...has requested an extension of the period to eighteen months to allow sufficient time to find suitable alternative premises for the business"*.

The Minister also gave consideration to the appellant's assertion that *"... the marquee and the wooden store are integral to the joinery business. He accepts that they need to be removed, but since Storm Ciaran the business has been very active in making properties secure"* [paragraph 6 of the Inspector's report].

The Minister agreed with the Inspector's statement at paragraph 8 that *"It is not disputed that the marquee and the wooden store have an adverse effect on the character and appearance of their surroundings"* but the Minister considered that a 12- month period of compliance would be more reasonable and appropriate in the circumstances. These circumstances are, in the Minister's opinion, exceptional in that Storm Ciaran and the subsequent tornado caused substantial damage to homes and businesses resulting in severe and potentially long-lasting disruption to people's lives and to commercial enterprises that form an important part of the island's economy.

The Minister considered that the appellant's business was providing an essential service in repairing homes and businesses and that it is in the wider island interest to ensure that the business can fulfil its commercial obligations in completing storm-damage works. For this reason, the Minister considered that a six-month compliance period might not be sufficient for the appellant to secure alternative and appropriate premises whilst also maintaining an operational business in the interim.

The Minister considered that a 12-month compliance period would be sufficient, given that the requirements of the original enforcement notice have been known to the appellant for a significant period and that the appellant would already be researching other suitable sites for running the business in an authorised manner. Given the length of time that negotiations, legal contracts and planning consents can add to the establishment of another site, the Minister considered that the Inspector's recommendation of a six-month compliance period may not be sufficient.

The Minister decided, therefore, not to give full effect to the Inspector's recommendation at paragraph 8 of his report.