

Enforcement appeal: Summary		Ref: ENF/2024/00002
<p><b>Important:</b> Please advise if there is there a conflict of interest, or potentially a perceived conflict of interest. If uncertain, please refer to Law Officers' Dept for advice.</p>		
Site	Field 0324 and 0325, Le Cotil de la Greve de Lecq, St Ouen	
Case	<p>Appeal against an Enforcement Notice:</p> <p>The alleged breach of development controls:</p> <ol style="list-style-type: none"> <li>1. The construction of a structure used as a workshop</li> <li>2. The construction of a structure used for the keeping of poultry</li> </ol> <p>The steps required by the enforcement notice:</p> <ol style="list-style-type: none"> <li>1. Demolish the workshop structure together with any hardstanding and footings.</li> <li>2. Remove all resulting debris and materials from the land.</li> <li>3. Demolish the poultry structure together with any hardstanding and footings.</li> <li>4. Remove all resulting debris and materials from the land.</li> <li>5. Restore the land to an agricultural field.</li> </ol> <p>Time for compliance with the steps required: 28 days</p> <p>Note: There is a planning application pending for the structures which will be determined following the outcome of this appeal. P/2024/0217</p>	
	Bradley Twigger	
Zone	Coastal national park	
Original decision	n/a	
Officer	Compliance Team (I&E Regulation)	
The appeal		
Type	First party against Enforcement Notice	
Appeal (key points)	The appeal has been brought on grounds c, f, g & h specified in Article 109(2), namely:-	

	<p>(c) that at the date of service of the notice no or no expedient action could be taken to remedy the alleged breach</p> <p>(f) that the requirements of or conditions in the notice exceed what is reasonably necessary to remedy any alleged breach of control or make good any injury to amenity</p> <p>(g) ... that any time period imposed by the notice for compliance with its requirements falls short of the time which should reasonably be allowed for such compliance</p> <p>(h) ... that in all the circumstances planning ... permission should be granted in respect of the development in question.</p>
Inspector	<p>D A Hainsworth LL.B(Hons) FRSA Solicitor      Report date: 02 July 2024</p> <p style="text-align: right;">Method: Written reps</p>
Key extracts from Inspector's report	<p><u>The appeal on ground (c)</u></p> <p><i>4. The purpose of an appeal on ground (c) is to show "that at the date of service of the notice no or no expedient action could be taken to remedy the alleged breach". The appellant maintains that this is the case because at the date of service he had received a licence from another Government department, which he needed to support the resubmission of an earlier planning application that had been refused due to insufficient information having been submitted.</i></p> <p><i>5. These circumstances do not prevent the service of an enforcement notice if a breach of planning controls has occurred and it appears to the Chief Officer that it is expedient at the time to take action to remedy the breach (Article 40(1)). The appeal on ground (c) should therefore fail, but I have taken into account under ground (h) the fact that the licence has been issued, as well as the details of the licence.</i></p> <p><u>The appeal on ground (h)</u></p> <p><i>6. The purpose of an appeal on ground (h) is to show that in all the circumstances planning permission should be granted in respect of the development in question...</i></p> <p><i>7. The structures are in a secluded location on the fringe of the woodland that forms part of the fields referred to in the enforcement notice. Access to the structures is from La Charriere Huet, on the opposite side to the rear entrance to the Prince of Wales Hotel.</i></p> <p><i>8. The workshop is a small timber structure in which the tools and equipment used on the land in connection with forestry and agricultural activities are kept. Birds are also kept on the land; the poultry structure is a small hut with a wire-mesh enclosure, which assists with the birds' security</i></p>

	<p><i>and has also provided housing for the birds during an outbreak of avian influenza.</i></p> <p><i>15. The business is based on local sales of eggs and, as a byproduct of woodland management, the sale of logs and handmade bird boxes and squirrel boxes to local businesses and the public....</i></p> <p><i>16. The land is located within the designated Coastal National Park and Protected Coastal Area, where the Bridging Island Plan gives the highest levels of protection. Policies PL5 and NE3 indicate that development here should protect the special landscape character and qualities of these areas ...</i></p> <p><i>17. Policy NE3 also states that proposals which result in the improvement of landscape character will be supported. To enhance and protect landscape character the appellant has submitted an Outline Landscape Management Plan (Woodland and Meadow Areas)(Revision C - February 2024), which proposes landscape improvements in both the meadow area and the woodland area of the smallholding.</i></p> <p><i>18. The structures comply with the criteria in Policy ERE5 because</i>  <i>(1) they are incidental and essential to the running of the holding,</i>  <i>(2) there are no existing buildings available for their purposes,</i>  <i>(3) they are well-related to other agricultural and forestry activities on the holding,</i>  <i>(4) they minimise visual impact and</i>  <i>(5) they are in keeping with the landscape character of their surroundings.</i></p> <p><i>19. Policy ERE5 adds that proposals for new agricultural buildings in the countryside must be accompanied by a business plan. The appellant's approved business plan satisfies this prerequisite by justifying the location of the structures in the countryside and showing how they contribute to the rural economy.</i></p> <p><i>20. I have concluded that the appeal should succeed on ground (h), because in all the circumstances planning permission should be granted in respect of the development in question, subject to planning conditions ensuring that the proposed ecological enhancements and landscape improvements are carried out and maintained. ..</i></p>
Inspector's conclusion	<i>"22 I recommend that the appeal is allowed and that the enforcement notice is quashed".</i>

#### Recommendations to the Minister

- A. That the Inspector's conclusions and recommendations be noted.
- B. That the appeal against the enforcement notice be ALLOWED on ground (h) and

C. That the Enforcement Notice be QUASHED

Reason for decision	The Minister accepted the reasoning and recommendation of the inspector.
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Cabinet Office notes:

Decision:

Comment: