

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 3 OF THE LAND PLANNING AND DEVELOPMENT (CERTIFICATES OF LAWFUL USE) ORDINANCE, 2019

**NOTIFICATION OF REFUSAL OF A
CERTIFICATE OF LAWFUL USE**

DESCRIPTION OF USE: Regularise use of agricultural land as domestic garden (578sqm)

**ADDRESS OR
LOCATION OF LAND:** La Solitude, Rue Godfrey, Vale.

**NAME AND ADDRESS
OF APPLICANT:** Mrs S Payne
La Solitude
Rue Godfrey
Vale
GY3 5EG

I refer to the application referred to below received as valid on 05/05/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 07/06/2021

Drawing Nos: DRP: 3026 SV-01A & SV-02A

Application Ref: CLU/2021/0510

Property Ref: C003250000+C00325B000

The Development & Planning Authority has decided to refuse your application under the provisions of section 3 of the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 for the following reason:-

1. The evidence/documentation submitted is not sufficient to demonstrate on the balance of probabilities that the area of land which forms the subject of this application has been used for domestic purposes ancillary to the use of the property known as 'La Solitude' for a continuous period of more than 10 years. There is no evidence of permanent use, such as might be demonstrated by the long term location of domestic structures on the land or other forms of domestication, e.g. ornamental planting, and the submitted evidence is not sufficient to demonstrate the functional use of the land in connection with the dwelling-house. The indicated uses cited comprise isolated incidents which would have been an acceptable use of agricultural land, on a temporary or occasional basis with regards to the swing, or considered de-minimis in respect of the vegetable boxes, and would not be sufficient to demonstrate a material and continuous use which would amount to a change of use of the land.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68 of the Land Planning and Development (Guernsey) Law 2005, as amended, which provides a right of appeal against a decision to refuse an application for a Certificate of Lawful Use to the Planning Tribunal on the ground that the Authority made a material error as to the facts of the case. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of three months beginning with the date on which the Authority made this decision.

Signed

A J ROWLES

Director of Planning
Planning Service