

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

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

CERTIFICATE OF LAWFUL USE

DESCRIPTION OF USE: To regularise the use of the land for the storage of vehicles, materials and boats (storage and distribution Use Class 22) and for the use of the buildings for the storage (storage and distribution Use Class 22) and for the maintenance (industrial use class 24: Light industry) of vehicles, materials and boats.

**ADDRESS OR
LOCATION OF LAND:** Hawthorn Industrial Complex, Rue Colin, Vale.
**NAME AND ADDRESS
OF APPLICANT:** Mr J Bewey
Ommadawn
Rue Colin
Vale
GY6 8LA

REF: CLU/2020/0632

The Development & Planning Authority hereby certify that on 17/03/2020, this being the date of the application to the Authority for the certificate, the uses described in Appendix 1 to this certificate in respect of the land and buildings (excluding building A) specified in Appendix 2 to this certificate and edged in red on the Ref JB-20-01 attached to this certificate, were lawful within the meaning of section 22(3) and (4) of the Land Planning and Development (Guernsey) Law, 2005 for the following reason(s):

Reasons:

The evidence/documentation submitted is sufficient to demonstrate on the balance of probabilities that the site has been continuously used for more than 10 years prior to the submission of the application for the storage of vehicles, materials and boats (storage and distribution Use Class 22) and that buildings B-G have been continuously used for more than 10 years prior to the submission of the application for the storage (storage and distribution Use Class 22) and maintenance (industrial use class 24: Light industry) of vehicles, materials and boats.

In addition, in the context of the evidence available and particularly due to the planning history in this instance, it is considered on the balance of probabilities the site has been continuously used for the storage of vehicles, materials and boats (storage and distribution Use Class 22) and that buildings B-G have been used for the storage (storage and distribution Use Class 22) and maintenance (industrial use class 24: Light industry) of

vehicles, materials and boats for in excess of 4 years since the Authority first knew the alleged use was occurring.

Date: 02/08/2021

Signed.....*Signed*.....
(for and on behalf of the Development & Planning Authority)

A J ROWLES
Director of Planning
Planning Service

Appendix 1

The use of the site as shown edged in red on drawing ref JB-20-01 for the storage of vehicles, materials and boats (storage and distribution Use Class 22) and for the use of buildings B-G as shown in red on drawing JB-20-01 for the storage (storage and distribution Use Class 22) and maintenance (industrial use class 24: Light industry) of vehicles, materials and boats.

Appendix 2

Hawthorn Industrial Complex, Rue Colin, Vale.

Notes

1. This certificate is issued solely for the purposes of section 22 of the Land Planning and Development (Guernsey) Law, 2005 ("the Law") and section 3 of the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019.
2. It certifies that the uses specified in Appendix 1 taking place on the land and buildings described in Appendix 2 were lawful within the meaning of section 22(3) and (4) of the Law on the date of the application to the Authority for the certificate and, therefore, a compliance notice may not be served in respect of those use[s] under Part V of the Law on that date.
3. This certificate applies only to the extent of the uses described in Appendix 1 and to the land and buildings specified in Appendix 2 and identified on the attached plan. Any uses which are materially different from those described or which relate to other land or buildings may render the owner or occupier liable to enforcement action.
4. This certificate does not certify the lawfulness of any use arising from a material change of use within the meaning of the Building (Guernsey) Regulations, 2012.
5. For the avoidance of doubt this application relates to the use of area H for storage and distribution only and does not authorise any use with regard to the sorting, processing or sorting of waste which would require the separate grant of planning permission. Furthermore any light industrial activity is allowed only within Buildings B-G and should not be undertaken outside of the buildings on site.
6. With regard to building A as shown on drawing JB-20-01, this is not included as part of this CLU application and is the subject of a separate retrospective application for planning permission;
7. For the avoidance of doubt, this application relates only to the use of the site and the buildings as described and does not authorise any of the unauthorised operational development that has been carried out regarding the extension/erection of some of the buildings.