

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: Regularise use of Benarty as an independent residential dwelling house (Residential Use Class 1) separate from Ningaloo.

**ADDRESS OR
LOCATION OF LAND:** Benarty, La Blanche Carriere, Vale.

**NAME AND ADDRESS
OF APPLICANT:** Mr & Mrs M Geddes
Benarty
10 Treetops clos
Les Hubits
St. Martins
GY4 6LU

REF: CLU/2019/1252

The Development & Planning Authority hereby certify that on 01/07/2019, this being the date of the application to the Authority for the certificate, the use described in Appendix 1 to this certificate in respect of the land specified in Appendix 2 to this certificate and edged in red and pink on the plans attached to this certificate, was 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 Authority is satisfied that the evidence/documentation submitted is sufficient to demonstrate that on the balance of probabilities Benarty Wing has been occupied as an independent dwelling house separate from Ningaloo, in accordance with Residential use class 1, for a continuous period of more than 10 years.

Date: 24 January 2020

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

A J ROWLES
Director of Planning
Planning Service

Appendix 1

The use of Benarty as an independent residential dwelling house, under Residential use class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017, and separate from the adjoining dwelling Ningaloo.

Appendix 2

Benarty, La Blanche Carriere, Vale, GY3 5DL. As outlined in red on the attached Site Location Plan and as outlined in pink on the attached ADS Ltd drawing number 895/01.

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 use specified in Appendix 1 taking place on the land described in Appendix 2 was 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 use described in Appendix 1 and to the land specified in Appendix 2 and identified on the attached plans. Any use which is materially different from that described or which relates to other land 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.