

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: Use of land for the composting and associated storage of waste vegetation materials (sui generis use).

ADDRESS OR Land, Les Geans Durell, La Rue Du Chemin Le Roi, Torteval.

LOCATION OF LAND:

NAME AND ADDRESS Arborcraft Limited
OF APPLICANT: St Peter's Agricultural Centre
Rue du Vidcocq
St. Pierre Du Bois
GY7 9EB

REF: CLU/2020/0426

The Development & Planning Authority hereby certify that on 19/02/2020, 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 purple on the plan 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 evidence/documentation submitted is sufficient to demonstrate on the balance of probabilities that the land has been in continuous use for more than 10 years prior to the submission of the application for the composting and associated storage of waste vegetation materials.

In addition, in the context of the evidence available, and particularly due to the planning history in this instance, it is considered that on the balance of probabilities the land has been used continuously for composting for in excess of four years since the Authority first knew of the change of use and it commenced before 6th April 2009.

Date: 22 June 2021

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

A J ROWLES
Director of Planning
Planning Service

Appendix 1

Use of land for the composting and associated storage of waste vegetation materials as described in the submitted application. Please note however that the Authority has concluded that this use is a 'sui generis' use, not falling within any of the use classes specified in Schedule 1 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Appendix 2

Land known as "Les Geans Durell", Cadastre no. G006950000, situated at La Rue Du Chemin Le Roi, Torteval; the land concerned being outlined in purple on the attached plan dated February 17, 2020 and date stamped as received by the Development & Planning Authority on 18/02/2020.

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 that use 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 plan. 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.