

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Use of land for dog training and erect fencing.

LOCATION: Le Friquet Flower Centre, Rue De Friquet, Castel.

APPLICANT: Island Dog Training Club (IDTC)

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 14/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services: 6380/A/1

Application Ref: FULL/2023/1214

Property Ref: D016850000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.No use of the field for dog training shall be carried out other than between 0900 hours and 1100 hours on Saturdays & Sundays, between March and the end of October each year.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 13/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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 six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1214
Property Ref: D016850000
Valid date: 21/07/2023
Location: Le Friquet Flower Centre Rue De Friquet Castel Guernsey GY5 7SS
Proposal: Use of land for dog training and erect fencing.
Applicant: Island Dog Training Club (IDTC)

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

OFFICER'S REPORT

Site Description:

The field pertaining to this application is the southernmost piece of land within La Friquet Garden Centre's curtilage. To the east is a vinery, also used by La Friquet, to the south are detached properties all of which face south onto Rue des Varendes. To the southwest is a Protected Building (PB) and to the west the agricultural land associated with the PB. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to erect a 1.2m high fence, in a square 45m in length and 24.5m wide, with ample space around the outside. The fencing is to contain the dogs when the dog club hold training classes between 9am – 11am on Saturdays and Sundays between March and October yearly.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
OC9: Leisure and Recreation Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design

Representations:

The has been one letter of representation and the issues are:

- At the moment, the field is an open space. Simply put, with a large fenced area erected at 1.2m tall, that would no longer be the case.
- When not interrupted by the ad hoc 'dog shows' that already take place on this land, the grasses and wild flowers (please note wild flowers are only present on certain occasions when the grass is not 'lawned' as it currently is) are abundant with plentiful wildlife in the form of insects, rabbits, birds etc.
- When the neighbours purchased their property, there was a gate in our garden that provided direct access to the piece of land in question. This access point would be cut off with the proposed planned fencing which has not been considered as part of this application.
- Agility is known to be an extremely noisy sport for dogs, with shouting owners and loud barking, excitable dogs. At present, the ad hoc dog shows are very noisy and the neighbours dread to think of how the noise will increase not only whilst using their garden but also when in the house (as the current dog shows can currently be heard in the property at times).

Consultations:

The Office of Environmental Health and Pollution Regulation.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The field subject of this application is considered to be agricultural land. The application proposes the use of the land for dog training at weekends between March and the end of October, every Saturday between 9am and 11am and on some Sundays between 9am and 11am, which is a total of 4hrs a weeks over 8 months.

Should any other dog clubs wish to use the field for any hours outside of those specified then then a new application for a full change of use from 'Agricultural use class 28' to 'Suis Generis use class 29' as this may result in the change of use of the land rather than the occasional use for dog training which is currently under consideration.

Environmental Health were questioned to find out if any noise complaints had been issued because of noise coming from previous dog activities on site. They said that no complaints had been received in conjunction with this site.

It is considered that the number of hours a week that the dog activities are to operate are infrequent enough not to cause any adverse impacts on the neighbouring properties.

The 1.2m high post and rail fence within the field would not requires planning permission if erected for agricultural purposes. However, the use of a post and rail fence appears appropriate in the setting and retains the open character of the field.

The proposals are therefore considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 13/09/2023

