

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: Change of use of agricultural land (use Class 28) to use of dog secure field for 'off leash freedom and enrichment' of dogs (sui-generis) and erect fence and gate (south site boundary).

LOCATION: La Hougue Farm, Rue De La Hougue, Castel.

APPLICANT: Mr & Mrs A Duquemin

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: 09/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve de Vial & Company Ltd: 2014-521-11A (area of proposed development outlined green and shaded pink only), 11B (site boundary only), letter ref: 2014-521 dated 04/01/2024 including Details of Fencing & Gate

Application Ref: FULL/2023/2294

Property Ref: D01050A000

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. The permission granted relates only to the area outlined in green and shaded pink on drawing 11A and shall be personal to the applicant, Mr and Mrs Duquemin and, excluding the days of operation outlined in the letter from Steve de Vial & Company Ltd, ref: 2014-521 and dated 04/01/2024, the business use hereby permitted shall be operated in accordance with details contained in this letter.

Reason - The permission has been granted to the applicant on the basis of specific operations set out in the application submission, to manage the possible future impact of the operation of the dog field on residential and visual amenities should the operator of the business change.

5. Prior to the commencement of any work in connection therewith details of the proposed framework to raise the height of the approved gate and the self-locking gate mechanism shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed in the interests of visual amenity and to ensure the development accords with the recommendations of the States Vet.

6. Prior to the use hereby approved being introduced on the site the approved fencing and gates shall be installed and prior to the erection of the approved fencing and gates a landscaping scheme, to include details of tree/hedge planting along the southern fenced boundary, with planting schedules noting the species, sizes, numbers and

densities of plants shall be submitted to and approved in writing by the Authority.

Reason - In the interests of visual and residential amenity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, prior to the dog field being first brought into use or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual and residential amenity.

8. No use of the site for the use hereby approved shall be carried out other on Mondays to Fridays and the use shall not operate at all on Saturdays, Sundays or Public Holidays.

Reason - In the interests of residential amenity.

9. Within six months of the date when use of the site for the approved dog field ceases, or such other period previously agreed in writing by the Authority, the fences and gates hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - In the interests of visual amenity.

10. The use of the site shall revert to the previous agricultural use, as defined in Agriculture Use Class 28 of the Land Planning and Development (Use Class) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance when the field is no longer used as a dog field operated by the applicant, Mr and Mrs Duquemin.

Reason - To manage the possible future impact of the operation of the dog field on residential and visual amenities should the operator of the business change.

Expiry Date: This permission will cease to have effect on 08/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

This permission does not relate to the installation of CCTV on the site. Prior to the installation of such equipment it is recommended that the applicant/agent contact the Planning Service in order to establish whether planning permission is required for such installations.

As there is a potential for a statutory nuisance to arise from commercial dog activity proposed within this application, it is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss noise attenuation measures. Please also revert to the Planning Service should any physical works be recommended/proposed in relation to noise mitigation as such works may require planning permission.

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/2023/2294
Property Ref: D01050A000
Valid date: 16/11/2023
Location: La Hougue Farm Rue De La Hougue Castel Guernsey GY5 7EA
Proposal: Change of use of agricultural land (use Class 28) to use of dog secure field for 'off leash freedom and enrichment' of dogs (sui-generis) and erect fence and gate (south site boundary).
Applicant: Mr & Mrs A Duquemin

RECOMMENDATION - Grant: Planning Permission with Conditions:

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. The permission granted relates only to the area outlined in green and shaded pink on drawing 11A and shall be personal to the applicant, Mr and Mrs Duquemin and, excluding the days of operation outlined in the letter from Steve de Vial & Company Ltd, ref: 2014-521 and dated 04/01/2024, the business use hereby permitted shall be

operated in accordance with details contained in this letter.

Reason - The permission has been granted to the applicant on the basis of specific operations set out in the application submission, to manage the possible future impact of the operation of the dog field on residential and visual amenities should the operator of the business change.

5. Prior to the commencement of any work in connection therewith details of the proposed framework to raise the height of the approved gate and the self-locking gate mechanism shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed in the interests of visual amenity and to ensure the development accords with the recommendations of the States Vet.

6. Prior to the use hereby approved being introduced on the site the approved fencing and gates shall be installed and prior to the erection of the approved fencing and gates a landscaping scheme, to include details of tree/hedge planting along the southern fenced boundary, with planting schedules noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Authority.

Reason - In the interests of visual and residential amenity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, prior to the dog field being first brought into use or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual and residential amenity.

8. No use of the site for the use hereby approved shall be carried out other on Mondays to Fridays and the use shall not operate at all on Saturdays, Sundays or Public Holidays.

Reason - In the interests of residential amenity.

9. Within six months of the date when use of the site for the approved dog field ceases, or such other period previously agreed in writing by the Authority, the fences and gates hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - In the interests of visual amenity.

10. The use of the site shall revert to the previous agricultural use, as defined in Agriculture Use Class 28 of the Land Planning and Development (Use Class) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance when the field is no longer used as a dog field operated by the applicant, Mr and Mrs Duquemin.

Reason - To manage the possible future impact of the operation of the dog field on residential and visual amenities should the operator of the business change.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

This permission does not relate to the installation of CCTV on the site. Prior to the installation of such equipment it is recommended that the applicant/agent contact the Planning Service in order to establish whether planning permission is required for such installations.

As there is a potential for a statutory nuisance to arise from commercial dog activity proposed within this application, it is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss noise attenuation measures. Please also revert to the Planning Service should any physical works be recommended/proposed in relation to noise mitigation as such works may require planning permission.

OFFICER'S REPORT

Site Description:

The application site relates to a field situated to the east of La Hougue Farm. The field occupies an elevated position as land to the east of the farm slopes up and away from the road. The field is enclosed on three sides by high banks/hedgerow. A stable block is situated to the north of the farm with an area of hardstanding situated to the west of the stables, adjacent to the road and gated access. There are residential dwellings situated at La Hougue Farm and to the south of the application site, accessed via a lane off Rue De La Hougue. Land to the west of Rue De La Hougue and the route to the application field is open and undeveloped.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

28 agriculture

Brief Description of Development:

Planning permission is sought for the change of use of an area of land at La Hougue Farm from agricultural land Outside of the Centres and not within the Agriculture Priority Area to a sui-generis use to operate a secure area, enclosed by (as amended) 6ft high fencing and gates, for owners to exercise their own dogs living as part of a single household (up to three dogs and three adults). The site would be operated by appointment only with 15-minute gaps between appointments to allow one dog owner to leave before the next arrives. Parking is to be provided at the stables at La Hougue Farm but it would be necessary for visitors to walk a short distance along Rue De La Hougue in order to access a route up the hill to the secure field area. It is anticipated that one vehicle at a time will visit the site, there is ample parking for the secure field and the stables.

The field is currently substantially enclosed by 3m+ high banks/hedgerow to three of four site boundaries (north, east and west).

Further information was provided following the deferral of the application:

- Proposed operating would be 5 of 7 days a week (Tuesday – Saturday) with 15 mins between appointments.
- If needed a limit on people visiting the site could be included (3 adults in the enclosure).
- CCTV will be provided to cover the field (no details provided/nor permission sought as part of this application) in order to monitor how it is being used.
- The applicant is frequently at the site tending to horses, for the welfare interests of horses on site the proper use of the facility is critical with a no-nonsense policy for anyone who does not adhere to the rules of use.
- Free and publicly accessible open spaces for off-lead dog walking is not suitable for all dogs e.g. reactive (including older dogs with pain or cognitive decline or some other traumatic experience).
- Such a facility is critical for physical and mental health (dogs and owners).
- There is more conflict between dogs/dog owners and those who feel that there should be less freedom for doggy families, especially off the lead.
- Many beaches are unavailable for the summer months therefore seeing the dog population concentrated in smaller areas.
- Offering off-leash freedom offers trust and training opportunities for the benefit of dogs, owners and island life as a whole with less conflict between dog owners and non-dog owners.

Revisions were made to the drawings in relation to land ownership and in relation to the proposed fencing/gates.

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

Island Development Plan policies:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Outside the Agriculture Priority Areas

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

A total of 24 letters have been received, in relation to the application as originally submitted and as revised, (12 per round of public consultation) objecting to the application and raising the following points:

- The change of use of the land is unacceptable, it should be used for growing, there is no evidence that there is a demand for such a facility
- This will set a precedent for other such proposals or lead to the evolution of this proposal with subsequent applications for kennels or other buildings then snowballing to other development (housing or industry)
- The proposal would be contrary to the IDP which seeks to retain green space for the Island
- The change of use of land will be harmful to the open landscape character – the land is visible from neighbouring properties and gardens
- The business and fencing would be detrimental to the character and openness of the area
- The fencing will be an eyesore
- The business will disturb daily existence for residents with a stream of children, dog owners and dogs walking across an open and deserted field
- Visitors using the lane to access the site will overlook front windows and gardens of properties and views from the field to neighbouring gardens will result in a loss of privacy (including to a swimming pool)
- Unknown visitors to the site/area is of concern for residents
- The use of CCTV on the site will impact on privacy of adjoining residents
- This is a quiet lane, visitors moving along the lane will generate noise nuisance and noise from dogs and their owners will be incessant
- Operation 9 – 5 is unacceptable in this quiet location, it will impact on people working from home, retired people and the elderly and weekend use would be even more inappropriate as it would impinge on the weekend enjoyment of properties and gardens

- There will be significant increases in traffic movements in the lane leading to impacts on pedestrian safety and increased risks of accidents
- The operation will result in congestion and large vehicles accessing the site
- There is only limited parking available at the stables
- Access to the parking at the stables is across third party land
- Supervision is of concern – how will the number of dogs/people be policed? How will unauthorised access be prevented?
- Will the fence really contain dogs of all sizes? – if the fence is damaged dogs could escape into surrounding fields, gardens, roads etc harming horses, cats, local dogs and wildlife – who will be responsible if the worst should happen?
- The development will impact on local wildlife (flora and fauna)
- The development will impact on the Protected Building
- Access across the fields is muddy and uneven

Consultations:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans for an 'off leash freedom and enrichment' secure field for use by dogs and would recommend a condition limiting the use to Monday – Friday only and between 9am and 5pm with no use on Saturdays, Sundays or Bank Holidays.

OEHPR have received concerns about noise from a resident who resides in a property adjacent to the land parcel that this application applies to. As there is a potential for a statutory nuisance to arise from commercial dog activity proposed within this application and it is recommended the applicant contact OEHPR to discuss noise attenuation measures. This matter can be addressed by an informative note on a decision.

States Veterinary Officer - Overall, I am content with this proposal and believe it to be something that the island will benefit from. My only concern is the fence and gate height as I believe it to be too low, therefore allowing medium to extra-large breed dogs to leap over it, should they wish to. The current proposed Jackson post and rail fencing with wire mesh is 1.5m (4.9 ft) with posts at 1.8m high (5.9 ft). Similarly, the proposed gate is 1.27m (4.1 ft) high with posts of 1.8m (5.9 ft). Ideally the rail fencing and gate should be 6ft high from the ground as many dog breeds can jump 4-5 feet tall fences/walls etc. Fortunately, the location of the field is not directly next to any roads, however, I would be concerned if any livestock were to be kept alongside the field, should a dog decide to escape.

I would also advise that the gate is self-locking to prevent any accidents.

Summary of Issues:

The key issues in this case relate to the principle of the change of use along with matters relating to visual amenity, residential amenity and highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The site is located Outside of the Centres as designated within the Island Development Plan and the proposal would represent a form of outdoor formal recreation for the purposes of the Island Development Plan.

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas makes provision for the change of use away from agricultural land. Policy OC9: Leisure and Recreation Outside of the Centres is also relevant, setting out that development to provide new facilities for outdoor formal recreation may be supported where specific criteria are satisfied relating to the proportionate nature and scale of ancillary built development and its visual impacts.

The proposal does not include any buildings associated with the proposed change of use of land therefore, the ancillary built development relates to the proposed fencing (1.8m high post and wire), to be situated inside the established high banks to the north, east and west boundaries and a 1.8m high post and rail fence with gate to form the south site boundary. The southern boundary fencing would be set inside and several metres from the south boundary and low bank with the neighbouring agricultural land. The height of the fencing/gate was increased following the deferral of the planning application, taking into account the comments received by the States Vet. The fencing is considered proportionate to the nature and scale of the formal outdoor recreation use and on the whole the fencing would be adequately screened by existing high banks around the site. To the south boundary new landscaping can be required in order to mitigate the visual impact of the fencing in order to respect the character of the locality.

Although the proposed fencing would be higher than that ordinarily required to contain livestock given the established boundary features the proposal would respect the open landscape concerned. The introduction of additional soft landscaping would both help reinforce the local character and mitigate the visual impact of the fencing associated with the development. The use of the field for off leash freedom by dogs would not see further physical changes to the field and nor would the use itself prevent an agricultural use from being reintroduced at a later date. The proposed fencing and gate would accord with the aims of Policy GP1 and GP8 of the Island Development Plan. A planning condition could also be imposed requiring the high fence and gate to be removed should the proposed use cease.

With regard to residential amenity, the site itself is situated more than 70m from the boundary of residential properties to the south and west however, the residential properties are situated at the approximate level of Rue De La Hougue and the application site, and surrounding fields, are sloping, elevated above the surrounding residential properties. There would be no views of the properties at La Hougue Farm from within the application site and but distant views, across an adjoining field, of properties accessed via the roadway leading off Rue De La Hougue. The use of the field would not therefore, result in unacceptable overlooking or loss of privacy to the occupiers of surrounding dwellings and the introduction of soft landscaping to screen the southern area of fencing proposed would also reduce potential views down towards properties south of the application site and their external amenity space.

Although reference has been made about the use of CCTV through the submission and public consultation process this has not been incorporated into the application proposals, any pole mounted equipment would require the separate grant of planning permission and this matter can be addressed by way of an informative note.

Access to the site would be along Rue De La Hougue itself rather than across land, within the applicants' ownership and control, which is currently agricultural land used to provide grazing for horses. Parking is proposed at the existing stable yard where there is ample space to serve the users of the stables and visitors to the dog field. Access would be provided via an existing gateway in the east roadside boundary and around the field edge (within the ownership of the applicant) to the site. The field access from Rue De La Hougue would be c. 40m from the boundary with residential properties to the north and c. 35m to the nearest property to the south. There are no residential properties to the west of Rue De La Hougue between the parking area proposed at the stables and the field access, south along Rue De La Hougue.

Concerns have been raised regarding noise nuisance not only from the use of the field area but from people moving between the stable parking and site with frequent activity throughout the day and, as proposed, including one day at the weekends. La Rue De La Hougue is a public road that can be used, unrestricted, by dog walkers at any time. There is no evidence to demonstrate visitors to the application site using the public road to access the dog field would generate undue noise and disturbance to the occupiers of residential properties some distance away, over and above any other member of the public walking their dogs along this lane. Nor is there evidence demonstrating that there would be excessive noise generation with people and up to three dogs walking across the fields, again set well away from residential neighbours to enter and exit the field.

Regarding noise generated by dogs using the site, no objections have been raised by the Office of Environmental Health and Pollution Regulation. It cannot be assumed that dogs visiting the site will bark excessively, nor that dogs using the facility will be unruly, aggressive or seek to escape. Not all visitors to the site will necessarily be

multi-dog households nor will all dog owners necessarily have children/grandchildren. As a result, it would be unreasonable to assume that each appointment would generate three dogs, three adults and multiple children to the site.

The applicant has specified that all users of the site will be required to remove dog waste and take it away with them although this has been countered through the public consultation process. Nonetheless, the applicant has considered the matter and will place an expectation on dog owners using the site to be responsible. There is no evidence to demonstrate that the dog owners using this site will not adhere to site rules or would act in an irresponsible way with regard to the matter of the removal of dog waste from the site.

Whilst the public consultation process has generated questions relating to the need for this facility the States' Vet indicates that this type of facility would be of benefit to the island. The nature of the facility is to provide dogs and their owners with a private area, where they will not encounter other dogs or people, to exercise and have fun which cannot be guaranteed in public parks, beaches, nature reserves etc across the island. Everyday life will not enable all dog owners to time their walks to locations where encounters with people and dogs can be avoided and offering a secure area for this could offer peace of mind as well as enjoyment for both dog and owner.

Given the relationship of the site and access to neighbouring properties the development will not result in unacceptable harm to the amenities of local residents in relation to privacy. The matter of noise nuisance has also been fully considered and, in consultation with OEHPR, is not considered to represent grounds on which the application could reasonably be refused. Noise complaints would be dealt with by OEHPR through their own legislation.

Although the applicant proposes to operate Tuesday – Saturday this would run contrary to the recommendations of OEHPR and it is recommended therefore that the permission is limited to Monday – Friday operation only with no weekend or Bank Holiday opening in order to further manage the effect of the development on residential amenity. This would not preclude the applicant from applying to vary the planning condition at a later date but any such variation would require the submission of a formal application and would undergo a period of public consultation.

The applicant has provided supporting information relating to the proposed development, if however, the site were to be run by a different operator the aims and expectations may vary. It would be reasonable therefore for this application to be conditioned to be personal to the applicant so that any change in ownership/management would require a further application for planning permission thereby ensuring that matters relating to management and residential amenity can be fully considered and assessed. Subject this and other necessary conditions, the proposal would not result in unacceptable harm to the amenities of the occupiers of

surrounding dwellings having regard to Policies GP8 and GP9 of the IDP and the material planning considerations.

Traffic generation and road safety have also been raised as concerns. Rue De La Hougue is, at points, narrow however it is not a heavily trafficked road and is identified as a Neighbourhood Road. The vehicle and pedestrian movements associated with this proposal would not generate highway safety concerns. The level of off-road parking is also satisfactory when considering the aims of the IDP (IP7 and IP9).

Although concerns have been raised regarding the effect of the development on local wildlife the site is not located in a designated area such as a Site of Special Significance or Area of Biodiversity Importance. The Strategy for Nature SPG requires that, the biodiversity interest of a site is enhanced through the change of use of land. This matter can be addressed by planning condition and the proportionate approach to the scale and nature of this proposal would be to require planting along the southern length of the proposed fencing and along the existing southern earthbank.

Revised drawings were provided during the course of the planning application amending the red line site boundary where a discrepancy had occurred.

Matters relating to land ownership and rights of access cannot influence the assessment and determination of a planning application and the grant of planning permission would not set a precedent for further development on the site nor elsewhere on the Island. All applications need to be fully assessed against the Development Plan policies in place at the time.

In view of the above it is recommended permission is granted subject to planning conditions relating to:

- Operating days and hours – in the interests of neighbour amenity
- Landscaping scheme for the south site boundary and its implementation – for privacy and biodiversity reasons
- Details of the self-locking gate
- Installation of fencing and gates prior to first use and the removal of the fence and gate when no longer required as a dog field – to ensure the development is carried out in accordance with the approval and to return the site to its former condition in the interests of visual amenity
- Personal permission to the applicant – the application has been assessed on the details provided by the applicant, in the interests of neighbour amenity
- That the site reverts to an agricultural use when the dog field use ceases – so that a further application is not required for the site to revert to the former agricultural use

An informative note may be placed on the permission relating to the installation of CCTV which may require the submission of a separate, formal planning application along with an informative note relating to legal rights.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 09/02/2024