

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 land to use for dog training purposes (extension of hours of use).

LOCATION: Land at, Le Friquet Garden 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: 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 19/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site and block plans, drawing (all dated 31/10/2023)

Application Ref: FULL/2023/2470

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. There shall be no use of the field for dog training or other dog-related activities;
- a) on any bank or public holiday,
 - b) before 9:00 and after 18:00 on Saturday and Sunday (throughout the year),
 - c) before 9:00 and after 16:30 from 1st October to 31st March,
 - d) before 9:00 and after 21:00 from 1st April to 30th September, and
 - e) there shall be no amplified speech or music at any time.

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 08/02/2027 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/2023/2470
Property Ref: D016850000
Valid date: 19/12/2023
Location: Land at Le Friquet Garden Centre Rue De Friquet Castel
Guernsey
Proposal: Change of use of land to use for dog training purposes
(extension of hours of use).

Applicant: Island Dog Training Club (IDTC)

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. There shall be no use of the field for dog training or other dog-related activities;

- a) on any bank or public holiday,
- b) before 9:00 and after 18:00 on Saturday and Sunday (throughout the year),
- c) before 9:00 and after 16:30 from 1st October to 31st March,
- d) before 9:00 and after 21:00 from 1st April to 30th September, and
- e) there shall be no amplified speech or music at any time.

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.

OFFICER'S REPORT

Brief Description of the site:

The field pertaining to this application is the southernmost piece of land within the ownership of La Friquet Garden Centre. To the east is a vinery, also used by La Friquet, to the south are detached residential 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 that building. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/1214 - Use of land for dog training and erect fencing – Approved September 2023, conditioned as follows:

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.

Existing Use(s):

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

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

Consultations:

The Office of Environmental Health and Pollution Regulation.

15th November 2023

'Within the application, it states the proposed hours of use are from 09:00 to sunset each day that the Friquet Garden Centre is open. This is not a condition I would recommend as the Friquet Garden Centre appears to be open every day of the week and also on bank holidays.

I would be happy to revisit the application if the following information is provided:

- *Specific proposed hours and duration of use each day*
- *Specific days of the week*
- *Consideration of not operating on bank holidays.*

Once this information is received I would be happy to provide comment.'

13th December 2023

'I continue to have concerns regarding the potential noise impact and as such having considered the information provided I would recommend that the following conditions are attached to the consent:

1. *There shall be no use of the field for dog training or other dog-related purposes on any bank or public holiday*
2. *There shall be no use of the field after 18:00 on Saturday and Sunday*
3. *There shall be no use of the field after 16:30 from 1st October to 31st March*
4. *There shall be no use of the field beyond 21:00 from 1st April to 30th September*
5. *There shall be no amplified speech or music at any time*

I would be grateful if these issues are considered during the determination of this application.'

Conclusion/Brief comment:

In the supporting information for the previously approved application, the agent had noted the operating hours for the dog training activity as stated in Condition 4, for two hours every Saturday and Sunday from March to October. This was considered to comprise a temporary and occasional use of the land, and did not amount to a change of use of that land. Condition 4 was applied to the decision issued to ensure

the use of the site did not increase to a level which would require a change of use, without the benefit of planning permission. However, following the issue of the decision, it transpired that this was not what the applicants had intended.

This application is a request to extend the hours which the field can be used for dog training activities, which would amount to a change of use of the agricultural land to an outdoor recreation use. The Island Dog Training Club would like the field to be used not only by the different sections of the club; agility, training, obedience, ring-craft and lifestyle, but also by other users; Guernsey Agility, the charity Paws for Support (which trains assistance and therapy dogs for local use), and other, similar dog-training groups that do not have facilities of their own.

Guernsey Agility host the agility shows, of which there were four events in 2023, and similar in 2022 and 2021, all on the field subject of this application. The agility shows are usually attended by about 20 competitors and tend to take place from 9am until about 3pm and only at weekends.

During these events the dogs are contained at the end of the field that abuts the Friquet Car Park. Care is taken to keep away from the residential side of the field and those involved always take steps to deal with any dogs that are noisy and could cause nuisance. Only one dog at a time will run the course and those dogs waiting to compete are usually in cars or crates so that the dogs settle and do not bark.

Other club activities are still very unlikely to occur on every day of the week, even in the summer. Training takes place in small groups (2-6 in a group would be normal but may occasionally be up to 8 or so) and are held only for an hour or so; agility training (as opposed to shows) is also restricted to groups of 4/5 dogs and only for an hour or so, but the field needs to be capable of use for longer hours due to the fact many of the trainers have full time work commitments.

Policy OC5(B) permits such a change of use, where all other relevant policies are complied with.

The current application does not propose any ancillary built development and would not therefore give rise to visual impacts. Neither does the site fall within an Agriculture Priority Area. The proposal would therefore comply with Policies OC9 and GP1.

Initially the request proposed to increase the hours of operation to 9am to sunset every day the Friquet Garden Centre was open. However, this would have comprised a potentially very intense use of the site, in close proximity to residential property, and would have been very difficult to control, as the garden centre is open almost every day of the year and the time of sunset varies significantly.

The applicant then sent through a more detailed explanation of how and when the field would be used by various dog clubs (see letter dated 3rd December 2023), which

other than the few yearly shows, would see fewer dogs in the space at any one time than previously anticipated. The Planning Service liaised with Environmental Health, and it does seem reasonable to allow the use of the field for more hours than initially specified.

The applicant has now proposed the following times of use:

1st October to 31st March

- From 9am – 4.30pm every day of the week

1st April to 30th September

- From 9am – 9pm Monday to Friday
- From 9am – 6pm Saturday & Sunday

In addition, it is noted that there would be no use on Bank or Public Holidays throughout the year, and no use of amplified speech or music at any time.

Environmental Health have requested a condition, see above, so that the dog clubs have structured times they can use the field, which also ensures the nearby residents still have some periods where there will be no activity allowed.

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

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

Recommendation:

Grant with Conditions



Date: 07/02/2024

