

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 30 June 2022 15:06  
**To:** [REDACTED]  
**Subject:** PA/2022/0636: Pre-App response to proposed dog day care, MN494, La Rue des Buttes

[REDACTED]

It was good to speak to you about your proposal to use this site for dog day care. In terms of the activity you confirmed you collect the dogs from their owners, bring them to the site, look after and exercise them between 0900 and 1600 hours, and take them home to their owners. Your proposal does not include dogs being kennelled at the site overnight.

### Planning History of the Site

The site is in the open countryside (known as the Green Zone in the Bridging Island Plan) outside any built up area. As you know the site is used for equestrian purposes and there is currently a live application (P/2021/0860) for additional and relocated stabling, and thank you for your recent email about the future use of the site for this purpose if you purchase the land. There have been a number of responses from local residents and consultees and these are all available online ([Planning application search \(gov.je\)](#)).

The most recent permission, P/2016/0009, gave consent for the construction of a store, tackroom, office and hardstanding to the north of main field, and the change of use of the sand school, all for the racehorse training and livery business (it also included the construction of a reservoir to the south of the field). The reason permission was granted is stated on the decision notice:

- *The use proposed is considered to be one which can only be undertaken in the countryside and an appropriate example of agricultural diversification. This has been balanced with the concerns expressed regarding impact on the landscape and nearby properties. It has been concluded that the proposed development does not result in serious impact on the landscape nor any unreasonable impact on the amenities of other properties.*
- *The permission has been conditioned to limit the number of horses and so retain the proposed level of usage which is considered reasonable, and not to result in significant highways problems nor unreasonable impact on nearby properties.*

A number of conditions were imposed on the last planning permission; Condition 7 limited the use of the site to no more than a total of 12 horses on the fields, which included a maximum of 4 kept on site for livery. The sand school is conditioned to only be used by the racehorse training/livery business operating from the site and not be made available to any other party. The reason for this condition is that permission was given on the basis of the specific nature and intensity of the use and that any increase could potentially create unacceptable levels of noise and traffic, to the detriment of neighbouring properties and the surrounding area. That was judged as being contrary to the requirements of the most relevant policies that existing at the time (GD1 and NE7).

It is useful to know the background to planning decisions on the site as it can inform any further application; potential noise and traffic impacts are the most obvious practical issues that arose.

I would also note that the previous decisions were made under planning policy that has now been superseded by the Bridging Island Plan 2022, which provides the current policy framework. I refer to the relevant policies below.

#### The need for planning permission

Firstly it is important for to state that what you are proposing, a material change of use of the land from the approved equestrian use, will require planning permission.

If you are proposing to provide any additional development on site (improved means of enclosure, day kennels, any change to the parking/turning area, etc) then you should include these details in an application.

If you are proposing to use the existing equestrian buildings on the site you will need to include their change of use in the planning application (especially given the control imposed in permission P/2016/0009).

If you are going to submit an application you can find advice on what will be required at: [Information you need for your planning application \(gov.ie\)](http://gov.ie)

#### Planning Considerations – relevant policies

The Bridging Island Plan 2022 provides the current planning policies against which all proposals will be assessed. The most relevant policies to your proposal are below along with some commentary on each which will hopefully be useful to you:

**Policy PL5 - Countryside, coast and marine environment:** this policy aims to enable business activity in the countryside that makes a contribution to the rural and island economy. It notes that development should “*protect or improve*” the character and distinctiveness of the environment. It states development should be concentrated in the most sustainable locations, and “*economic development that supports the maintenance and diversification the rural and island economy will be enabled here, where the location of development is justified and appropriate*”.

**Policy ERE2 – Diversification of the rural economy:** this policy states that proposal to diversify the rural economy will be supported if the use genuinely necessitates, and is appropriate, to its proposed location. There are a number of other points in the policy that will be considered if an application is submitted:

- a. it will complement and support an existing business, contributing to the maintenance of the rural economy; or,*
- b. enables a new business that has the potential to make a significant contribution to the rural economy; and where*
- c. it makes use of existing buildings; or*
- d. it is well-related to existing buildings and is appropriate in scale, location, design, material and colour to minimise its visual impact and to integrate with the character of the area.*

The policy requires applications to be accompanied by a business plan which justifies the location of the development in the countryside, and demonstrates its contribution to the rural economy. Where the supporting information is insufficient, proposals will not be supported.

**Policy NE3 – Landscape and seascape character:** this policy requires development to protect or improve landscape character. It states that applicants will need to demonstrate that a proposal will neither directly nor indirectly, singularly or cumulatively, cause harm to Jersey’s landscape character and will protect or improve the distinctive character, quality, and sensitivity of the landscape.

## Planning Advice

I would suggest that the key issues for you to address are:

**Principle** – you will need to justify how this site in open countryside is appropriate for your proposed use. You should explain the choice of location and why the use can protect or improve the character of the area as required by planning policy. As part of the justification I would suggest you set out the benefits of your business to residents (if you have any statistics around how many households have dogs on Jersey, numbers of dogs, etc that can also help justify the proposal).

**Noise** – the nearest dwellings lie to the south and south west (the nearest being approximately 150m from the buildings on site). Local residents are likely to be concerned about the potential noise the dogs could make whilst on the site. You will need to provide appropriate information and how you will address this; I would suggest describing how the activity operates, how you provide for the dog's welfare and care, that there is constant supervision of the dogs, there are buildings so dogs can be kept indoors (including if there are spaces where dogs can be kept to calm down), and what you do if a dog barks constantly (do you return it to the owner and not allow it to return until the issue is addressed?).

It may be useful for you to get some additional advice from Environmental Health (email [environmentalhealth@gov.je](mailto:environmentalhealth@gov.je)), who will be consulted if you submit an application.

A Noise Management Plan may be required to show how you will mitigate the impact of dogs barking.

**Traffic** – this is another key consideration for any application at this site. You should provide information about the traffic movements generated by the existing use (number, type of vehicles) and what your use will generate, so a comparison can be made between the two. If the movements are only generated by yourself it may be possible for you to demonstrate an improvement than the current use; this is a key matter in the determining this application.

**Economic contribution** - a Business Plan or at the very least some economic information will be needed to accord with the requirements of ERE2. Does the business employ anyone apart from yourself? Will the business and its employment opportunities grow as a result of the move to this site? Are there other similar businesses on the island? Presumably one of the main benefits of your business is that it allows dog owners to work during the day; it may be worth you getting some information from your clients relating to this. All this will be useful to understand the economic contribution the use makes to the economy of the locality and the island.

## Conclusion

I hope this information is useful to you. I have set out the key planning considerations and the most relevant policies that will be used if an application is submitted. It is also useful to understand the planning history and what the concerns were when a previous application was determined (noise and traffic being the most obvious issues to address).

I would stress it is important that you provide information about the key planning issues outlined above when you submit a planning application, as consultees and local residents will appreciate understanding as much as possible about the proposal.

Please come back to me if I can assist further,

[Redacted]

[Redacted]

**Contract Planner**

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