

Classification level

Official.

Freedom of information exemption(s)

Decision summary: None.

Written report: None.

Supporting document(s): None.

Reason for the application of a freedom of information exemption(s)

Decision summary: N/A - There are no exemptions being applied.

Written report: N/A - There are no exemptions being applied.

Supporting document(s): N/A - There are no exemptions being applied.

Data protection

[Data Protection principles](#) have been applied to this Written Report and the Supporting Document(s), if any. The following can be shared with Scrutiny and/or published:

Decision summary: Yes - redaction(s)/pseudonymization is not required.

Written report: Yes - redaction(s)/pseudonymization is not required.

Supporting document(s): Yes - redaction(s)/pseudonymization is not required.

Legal advice

In accordance with the [Ministerial Code](#), its supplementary guidance on [Ministerial Decisions](#), and legal privilege principles: no verbatim legal advice, nor any text alluding to legal advice having been sought, is found in any of the documentation supporting the Ministerial Decision.

Preparatory information**Ministerial decision type:** Determination(s)**Ministerial Office:** Environment**Signatory:** Assistant Minister**Lead department:** Cabinet Office (CABO)**Lead directorate:** Housing, Environment and Placemaking (CABO)

Lead officer:	Head of Place and Spatial Planning
Required for the States Assembly:	The document(s) supporting this Ministerial Decision DO NOT require presenting/lodging with the States Assembly.
Children's rights impact Assessment:	A children's rights impact assessment is not required for this type of decision.
Human rights impact Assessment:	A human rights impact assessment is not required as part of this decision.

Planning and planning enforcement appeal decision: P/2024/0927 and ENF/2024/00016 (Field MN494, La Rue des Buttes, St. Martin)

Introduction

This is a written report to support a Ministerial Decision and is to be read alongside the supporting documents, if any. This report has been prepared by officers and is viewed to be in accordance with the [Ministerial Code](#), supplementary guidance on [Ministerial Decisions](#), appropriate [Freedom of Information exemptions](#), and with consideration of [Data Protection Principles](#).

Supporting documents

Report to the Minister for the Environment in respect of an appeal under Article 108 of the Planning and Building (Jersey) Law, 2002 against a decision to refuse planning permission (P/2024/0927); and an appeal under Article 109 of the same law against an enforcement notice at Field MN494, La Rue des Buttes, St. Martin dated 25 April 2025 by D A Hainsworth LL.B(Hons) FRSA Solicitor.

Reason for the decision

There are two appeals that are addressed in this decision, relating to development at Field MN494, La Rue des Buttes, St. Martin.

The first appeal (Appeal A) was lodged in respect of the refusal of planning permission for a proposal which sought permission for the change of use of the land to provide a dog day care centre, in addition to the proposed development of a dog day care centre building, with associated parking and landscaping.

The second appeal (Appeal B) was lodged in respect of the proposed change of use of the field for a canine care and training business, where planning permission was sought retrospectively, following the service of an enforcement notice to cease this use of the land.

Following the lodging of each appeal, David Hainsworth was appointed as the independent planning inspector to consider them, including all associated plans and documentation.

The inspector visited the site and surroundings, considered written representations and held hearings in respect of each appeal separately before preparing and submitting a combined report, dealing with both appeals, for the Minister's consideration.

In this case, as the development was in the Parish of St Martin and the Minister was conflicted, the matter has been dealt with by the Assistant Minister.

The Assistant Minister has given full consideration to the inspector's report and to the material factors referred to in it and is required, under Article 116 of the Planning and Building (Jersey) Law, 2002, to determine the appeals, and in so doing to give effect to the inspector's recommendation unless the minister is satisfied that there are reasons not to do so.

Recommendation

It is recommended that the minister:

- in the case of Appeal A, dismisses the appeal; and
- in the case of Appeal B, dismisses the appeal and that the enforcement notice reference ENF/2024/00016 dated 3 September 2024 is upheld with the replacement of “One calendar month” by “Nine calendar months” in paragraph 6.1 of the notice.

Action required if the recommendation is adopted

The Ministerial Office to advise the Judicial Greffe of the decision.

Resource implications

There are no new financial and/or human resource implications arising from this decision

Conflict of interest

The decision-maker does not have an actual or perceived conflict of interest as relates to this decision as the Minister for the Environment, who’s constituency includes the Parish of St Martin, has delegated this decision to the Assistant Minister, who’s constituency does not.