

Introduction

I am Richard Stone and have carried on a practise as a Planning Consultant since 1999. I have specialised in rural planning and dealt with more than 25 applications for agricultural and equine residential dwellings. I have also provided evidence to public inquiries and informal hearings on many occasions.

Consultations

At the request of the appellant, Claire Slater and her partner Kevin Hall, I have been instructed to assist in the rural aspects of an appeal which I set out in this appraisal.

Mr Hall is the landowner and Claire Slater is the appellant relating the need for a residential caravan for a temporary period of 3 years. During these 3 years it is anticipated that Mr Hall will take a more active part in the business than assisting Ms Slater at the moment.

Ms Slater holds the following qualifications:-

Btec diploma in:-

Horse Management
Stable Management
Grass Management
Tractor Driving
Equine Business Studies
BHS Stage 1 & 2
NPS Level 2

The property has a mixed lawful use of equestrian and agriculture. It has the benefit of electricity and mains water which is also connected to the caravan along with a septic tank. There are 10 stables spread out around the site. A separate brick built tack room has recently been erected.

Planning permission was granted to the previous owner of the property for a temporary use of the caravan for agricultural purposes. Mr Hall purchased the site almost immediately with the intention of growing plants and shrubs to use as part of his landscaping business. Having tried to combine the 2 businesses, it was not considered profitable to grow his own plants. Purchases could be 50% cheaper than growing his own and less vulnerable to losing crops. Having made this decision his partner, Claire decided to start an equine business.

Buildings and facilities

There are currently 10 stables and pens spread around the yard. This allows for the livery part of the business to be segregated from the breeding i.e. the 2 stallions, and the training. There is a 60 x 40 barn which Ms Slater is currently fitting out with internal stables to enable the business to expand. There is an all-weather training

area and various sheds to accommodate the carriages and traps used for breaking and schooling purposes. There are 3 greenhouses and it is proposed to seek planning permission to replace the glass rooves with galvanized box section and turn these buildings into storage units. The current yard is 2 hectares and a further 2 hectares of grazing are owned at Long Road, Soberton. Further land for grazing and production of hay and haylage has been secured on an informal agreement and negotiations are taking place to formalise this for a period of 3 years. This land amounts to 10 additional hectares.

There is a studio flat independently occupied by Mr Hall's son which has been the case over the last 5 years. His son has no knowledge of horses and this flat is not suitable or available for Mr Hall and Ms Slater. The caravan, the subject of this appeal, has 2 bedrooms, bathroom, kitchen and lounge. It has approximately 45 sq mtrs of floor space.

The Equestrian Enterprise

There are 2 full liveries which it is intended to increase to 3 over the next year. Horses are bought in, given basic training and then sold on. It is anticipated that 4 horses in the first year will be dealt with in this manner.

Breaking and schooling of clients horses will take place. It is proposed that 4 horses in the first year will receive this service and each horse is expected to stay as a full livery for a 6 week session.

4 brood mares are kept and it is hoped that these will provide a minimum of 3 foals which will be sold between 6-12 months.

A Welsh cob stallion will be standing at stud and in the first year it is expected a minimum of 2 visiting mares will come to him.

A miniature traditional cob believed to be the only one in the local area will also stand at stud with at least 2 mares coming to him for service.

In all probability the visiting mares to the 2 stallions may well have foals with them or will foal at the stud.

Over the next few months an additional service will be offered in taking horses at livery to be trained for driving.

The applicant has a business bank account solely in the name of Southfield Stud.

A search of Zoopla, property management company website, shows one property available for purchase. This is at Chalk Hill, approximately 1.5 – 2 miles away and priced at 1,950,000 which is obviously way beyond the affordability of this business.

Relevant Planning Policy

Para.38 of the National Planning Policy Framework (NPPF) February 2019 states that:

“ Local planning authorities should approach decisions on proposals in a positive and creative way.....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

Para.79 of the NPPF explains that:

“ Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;.....

Para.80 of the NPPF explains that: “ Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support growth and productivity, taking into account both local business needs and opportunities for development.”

Para.83 of the NPPF deals specifically with rural economy and explains, inter alia, that planning policies and decisions should enable:

“a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings:

- b) the development and diversification of agricultural and also other land-based rural businesses:
- c) Sustainable rural tourism and leisure development which respect the character of the countryside.....”

d) Para.84 of the NPPF explains, inter alia, that:

“ Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.....”

Policy MRTA4 of the Winchester District Local Plan Part 1 (WDLPP1) affords provision.....”for development which has an operational need for a countryside

location “.....provided that the”development proposed in accordance with this policy shall not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.”

The Winchester District Local Plan Part 2 (WDLPP2) recognises that equestrian enterprises and horse activities are now an integral part of the rural landscape that contribute to the rural economy and may have important tourism and leisure benefits.

Policy DM12 of WDLPP2 is concerned with equestrian development and states, inter alia, that:

“.....The development of residential accommodation in connection with equestrian development will be considered in accordance with Policy DM11.....”

Policy DM11 deals with housing for essential rural workers (inc. equestrian workers as per Policy DM12) and explains that:

“ New permanent dwellings will generally only be permitted in the countryside to support existing agricultural/forestry activities on well established agricultural forestry enterprises. Proposals should demonstrate that:

- i. there is a clearly established existing functional need;
- ii. the need relates to a full-time worker, or one who is primarily employed in the agriculture/forestry enterprise, and does not relate to a part-time requirement;
- iii. the unit and the agricultural/forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- v. the dwelling is sited so as to meet the identified functional need and is well-related to existing farm buildings or other dwellings;
- vi. the dwelling is of a size appropriate to the productivity of the holding (normally 120 m² - 150 m² including office space).

The design of the dwelling should reflect local distinctiveness and the rural character of its surroundings. All dwellings permitted under this policy will be subject to occupancy conditions restricting the occupancy of the dwelling to a person solely or mainly employed, or last employed, in agriculture or forestry and any resident dependants.

New housing in the countryside other than for agricultural or forestry workers (or replacement dwellings) will generally not be permitted. Where other rural workers claim to have essential accommodation needs (eg in equestrian enterprises) these should normally be met within the existing housing stock. When applications for such dwellings are made they will be subject to the tests and requirements of this policy, where references to agriculture and forestry should be taken to apply to the

particular enterprise concerned as appropriate.” As this application is for a temporary use generally the above criteria is not so stringently adhered to.

Assessment of Proposal against Policy DM11

Criteria i and ii: Under the Animal Welfare Act 2006 it is an offence “ to cause unnecessary suffering to any animal.” The Act also contains a duty of care to animals which means that anyone responsible for an animal must take all reasonable steps to make sure that the animal’s needs and welfare are met. Animals are required to be managed in a way which accords them the following five basic needs, or freedoms as they are sometimes termed:

freedom from injury, thirst, hunger, and malnutrition;

the prevention, or rapid diagnosis and treatment of injury, disease or infestation; appropriate comfort and shelter; freedom from fear; and

freedom to display normal patterns of behaviour.

Under the Agriculture (Miscellaneous Provisions) Act 1968 the Department for Environment, Food and Rural Affairs (DEFRA) draws up ‘Codes of Recommendations for the Welfare of Livestock ‘ which are intended to encourage stock-keepers of different types of livestock to adopt the highest standards of husbandry.

DEFRA’s ‘Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids’ is materially relevant to this planning application and states, inter alia:

“The Animal Welfare Act 2006 causes you to ensure that any horse, pony, donkey or mule for which you are responsible, whether on a permanent or temporary basis is protected from..... pain, suffering, injury and disease.”

It should be noted that much of the above relates to permanent dwellings rather than temporary permissions although referred to on several occasions.

App.1 provides an assessment of current labour requirements at Southfield Stud. This is taken from evidence provided in the most recent edition of ‘Equine Business Guide’ produced by ‘Agro Business Consultants’ dated 2019. This assessment is a guide only but nevertheless demonstrates the labour requirement needs taking into account the nature and scale of the enterprise carried out. In this case the assessment indicates that there is a staffing need of at least 1.3 full-time workers on an ever increasing rate as the business expands.

Whilst CCTV, lighting and alarms are all of assistance in husbandry, fire, incursion, rustling and theft situations, they still need to be reacted to, the problem identified, and then rectified, in some cases immediately if loss or injury to livestock is to be avoided. In this particular case there is non existent WiFi quality so the installation of cable WiFi is a significant investment shortly to be instigated.

The functional need for a dwelling is more likely to exist where circumstances require the prompt attention of a skilled worker outside of normal working hours and not falling within a pre-determined routine. Horses are unpredictable and they all react differently to different situations.

It is unpredictable, for example, when horses become cast, or stuck on their backs which often occurs when they are stabled. It is impossible to predict when this may occur but it nevertheless often leads to injury as the animal struggles, and can develop quickly in to a potentially fatal emergency situation that needs rapid human intervention in order to right the horse. Stabling, rather than turning out, at Southfield Stud occurs more often than is the norm because of the types of horse and pony being accommodated and so the number of such incidents is likely to be higher than it would normally be.

Colic is another example of a condition that is unpredictable, can happen to any horse or pony night or day with little or no warning, and can become life threatening very quickly.

As far as the livery side of the business is concerned, since livery is on a fulltime rather than a part-time or DIY basis this will require the applicant to provide a complete service to the horse owner including being responsible for mucking out, turning out, grooming, exercising and all vet/med. care as well as the provision of stabling, bedding, feed and water. The equine stud service provides the same level of care and attention.

The liveries in addition will provide for breaking, schooling and preparing for riding and sales, including ensuring that horses and ponies cosmetically and physically are in good clean show-weight condition for which attention to detail is vital and involves work late at night outside of normal working hours.

In connection with the stud service crucially supervision will be required outside of normal working hours especially during foaling when most births take place in the early hours of the morning. In addition there are sometimes problems with a maiden mare not taking to its foal. Since it is normal practice for mares to be covered by the stallion in the first week after the birth of a foal, clients of the equine stud will bring their mares to Southfield either immediately before or immediately after foaling. In order to operate the stud the applicant must therefore be able to supervise foaling on behalf of clients, or at least be on-hand to look after very young and vulnerable foals.

Apart from own brood mares, clients whose mares are visiting to be covered by the stud stallions will require experienced and responsible staff to be onhand at all times to ensure that there is a continual on-site supervisory presence whilst their equines are under the applicant's care. It is also clear that clients of the equine business will not leave their horses at Southfield if there is no competent residential accommodation on site.

Clearly there is an intensive input required on a daily basis from suitably trained, experienced and motivated staff in order to ensure that essential levels of livestock husbandry, welfare, supervision and security are provided, and to deal promptly and adequately with emergencies (eg fire, rustling etc) that would threaten the safety and welfare of livestock.

Criteria i and ii are satisfied since the nature and scale of the applicant's ever growing business has a functional need that relates to a full-time worker.

Criteria iii: Southfield Stud only evolved in May of this year with the dedication of putting in place the investment and facilities to establish a commercial equine business. In the short time trading the business has exhibited sustainable growth to become a well-established equine yard with a reputation for high standards thanks to the dedication and expertise of the appellant. Predicted profit and loss accounts and balance sheet accompany this appraisal. There are no loans or borrowings against the business at Southfield Stud.

Criteria iv:

There are no lawful dwellings on the site so this application seeks to regularise this use and occupation of the caravan. I

If any other accommodation in the area is to be considered it needs to be suitably close to Southfield Stud to fulfil the functional need identified, and also available for occupation by the equine worker. It needs to be within sight and sound of the main focus of the functional need on the holding which, in this particular case comprises the yard buildings where the horses are accommodated most of the time.

In this particular case there are no dwellings which will fulfil this essential need apart from the existing temporary dwelling which it is now being applied for.

Searches carried out illustrate that there are no dwellings which are both suitable and available to purchase or to rent within sight and sound of Southfield Stud that are less than £500,000 to purchase or rent at £2000 pcm and close enough to ensure that essential levels of husbandry, welfare, supervision and security of livestock are provided.

Criteria v and vi:

The application is for a temporary dwelling to be retained and occupied by Claire Slater to fill the functional need of her business.

Conclusions

This application seeks planning permission for the provision of a temporary dwelling for occupation by an equestrian manager/worker. It remains a theme that local planning authorities should avoid new dwellings in the countryside unless there are special circumstances such as in order to fulfil an essential need for a rural worker to live at their place of work in the countryside.

One of the main thrusts of the NPPF is to encourage and promote appropriate existing rural businesses in order to make them sustainable for the future. Local planning authorities should constructively support economic growth in rural areas by taking a positive approach to sustainable new development and supporting the sustainable growth and expansion of all types of business and enterprise in rural areas.

This application seeks to provide temporary accommodation for a rural worker who has majority control of a rural business in order to sustain the viability of that existing rural business, and therefore maintain the vitality of this rural area.

Should planning permission not be granted this rural business may not continue, and certainly will not be able to provide the services required by clients.

This appraisal demonstrates that:

a) there is a clearly established functional need for a temporary dwelling on site at Southfield Stud for occupation by a full-time rural worker in order to ensure that essential levels of husbandry, welfare, supervision and security are provided, to deal with any emergencies that may occur, and to enable the efficient working and development of the enterprise:

b) there is no existing nearby accommodation which can satisfy this identified functional need on site or in the vicinity:

c) The business is planned to operate as a commercial equestrian enterprise to prove its profitable for at least one of the 3 years and has a clear prospect of remaining so.

d) the existing caravan is sited immediately adjacent to the equestrian buildings and yard and overlooks the main vehicular access and grass paddocks around it. It is therefore fulfilling the functional need.

e) the applicant is owner of the business and the proprietor total control of the business:

e) one of the main thrusts of the NPPF is to encourage and promote appropriate existing rural businesses to make them sustainable for the future. This application seeks consent for temporary occupation for an equestrian working manager in order to further develop and sustain a growing rural business.

Appendix 1. Predicted Profit & Loss Account

2. Labour requirement