

Planning Statement

Incorporating Rural Enterprise Dwelling Appraisal:

Application for Temporary Rural Enterprise Dwelling

**Cat Hill Livery
Cawthorne View
Firs Lane
Cat Hill
Hoylandswaine
Sheffield S36 7JB**

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1.0 Introduction

- 1.1 An application is being submitted for a temporary dwelling at Cat Hill Livery, Cawthorne View, Firs Lane, Hoylandswaine, Sheffield S36 7JB by Ms Kelly Oxtoby. The temporary dwelling is required to fulfil the essential need for 24-hour supervision specifically generated by the rural enterprise. Accordingly, this report incorporates an appraisal of the application for a ‘temporary rural enterprise dwelling’.
- 1.2 I am a rural planning consultant specialising in rural enterprise dwellings and the commercial equestrian development sector. I hold BSc Equine Welfare with Business Management, LLdip Law degree and PgC Agricultural Law. I advise planning authorities throughout the UK, preparing independent appraisals and attending appeal hearings and public inquiries. I have an in depth knowledge of the equine industry and equine welfare.
- 1.3 With formal academic qualifications in law, business management, equine science and behaviour, I act as expert witness in litigation and prepare expert reports for solicitors in relation to personal injury cases, disputes and veterinary negligence.

2.0 Background

- 2.1 Ms Oxtoby is a highly skilled and experienced equestrian having been in the industry for the last twenty years. She has provided the following background to her equestrian career:

‘My career with horses began when I was 8 years old having riding lessons at the local farm. For my 12th birthday I was bought my first pony which I looked after myself, competed and took part in many Pony Club/Riding Club activities including camps and rallies. I competed in the Pony Club Dressage Championships at Weston Park for several consecutive years. During this time I started working for Hannah and Becky Moody on a weekend, looking after their competition horses.

When I turned 16 and out of ponies, I bought a young, well-bred Dutch dressage horse who I trained and competed up to Prix St George level, competing successfully at the Nationals. I was asked to be a 'guinea-pig' rider in several British Dressage Judge and Trainer forums in the North. I continued to work for Moody Dressage, riding and producing their horses. Hannah and Becky have a yard of 30 horses, most of which are horses on full competition livery. Ranging from 3 year olds to be backed up to Advanced horses on the World Class Training Programme partly funded by the Lottery. Becky has numerous National Championship titles and her aim is for the Olympics in Tokyo in 2020 with her top horse Carinsio.

At 23 I moved to America for a year to teach horse riding in West Virginia. When I returned I started riding, competing and selling horses for several clients. Alongside this I went back to work for Hannah and Becky, doing all the administration for their livery business and I was the main driver and competition groom for Becky for several years whilst she competed at International level. I have been all over Europe caring for the Small Tour and Big Tour horses including the European Championships in Poland, Germany and France. I was also part of team who took 4 horses to the World Young Horse Championships in Verden. I had 2 horses of my own training and competing, from Young Horse Classes through to Advanced Medium level at Regional and National Championships. I also competed in several Premier League competitions qualifying my young horse for the 6 year old International Championships. I backed and competed, winning 2 Regional titles on a client's pony who has now gone on to be on the Great Britain European Pony team.'

- 2.2 The 10 acre site was purchased four years ago, having initially being rented the previous year. On purchase of the site, significant improvements were made to the buildings and stabling as well as fencing, to create a safe and suitable environment for horses.
- 2.3 A full-livery yard was established, providing care of clients horses.

3.0 Planning History

3.1 The relevant planning permissions, since the applicants' purchase of the site, are detailed below:

- 2018/1420 Retrospective application for open-fronted hay/storage barn - Granted

- 2018/0949 Certificate of lawfulness for existing use of site as a livery including associated land, stabling, barn and use of caravan for non-residential purposes ancillary to the livery use - Granted

- 2018/0638 Temporary rural enterprise dwelling in the form of a log cabin - Withdrawn

- 2017/ENQ/00258 Conversion/Change of use of existing animal store and housing into residential

3.2 In 2017, advice was sought regarding the conversion of a barn to residential use, to provide essential supervision for the livery business. However, the planning officer's opinion was that the building could not easily be converted without substantial building works, contrary to policy GS8A. At the time of seeking advice, no additional information was submitted to demonstrate that 'very special circumstances' existed.

3.3 Accordingly, in 2018, an application was submitted for a temporary rural enterprise dwelling with the aim of specifically setting out the way in which the need for a dwelling complied with planning policy. However, it was then discovered that the existing buildings were not authorised and a decision was made to withdraw the application until the all of the structures on site, together with the livery use, were lawful.

3.4 Application 2018/0949 provided evidence that the land and stables had been used for liveries for more than 10 years, including by the previous owner.

4.0 The Site

4.1 The site, known as Cat Hill Livery, is situated approximately 1.5 miles from the village of Hoylandswaine, approximately 7 miles from Barnsley, approximately 15 miles from Sheffield and approximately 6 miles from Junction 7 of the M1. The site, which is owned by Ms Oxtoby, lies within the Green Belt and is run as a full-livery livery yard.

4.2 The site comprises approximately 10 acres (4 hectares) of gently sloping/sloping pastureland enclosed by post and rail fencing, stock fencing, trees and hedging. The buildings and structures on site are in close proximity to each other creating a compact holding that is well screened from the highway by thick hedging. There are no residential properties adjacent to the site or properties that look directly on to the site. The local area is characterised by small equestrian sites with stabling and ancillary facilities.

4.3 The following buildings/structures are on site:

- Barn of block and steel construction with corrugated roof, approx 45ft x 30ft, used for storage, office, tea/coffee making facilities
- Open fronted barn of block construction, Yorkshire boarding with box profile roof, approx 45ft x 30ft, used for storage of hay, straw and feed
- Row of block stabling creating five boxes approx 10ft x 14ft, each with rubber matting and automatic water
- Caravan and porta-loo
- Large area of hardstanding adjoining barns to provide parking and turning area
- Purpose built muck storage area

- 4.4 The site has the benefit of mains water and mains electricity.
- 4.5 There is a plentiful supply of good quality grazing to sustain more than the number of horses that will be kept. A surplus of grass allows for hay to be produced each year.

5.0 The Proposal

- 5.1 The proposal is for a temporary 'rural enterprise dwelling' for three years to support the existing equestrian enterprise on site. The temporary dwelling will be in the form of a log cabin measuring 20 feet by 40 feet.
- 5.2 The livery business necessitates 24-hour supervision of the clients' horses.
- 5.3 The siting of the temporary dwelling is intended to be as close as possible to the stabling to enable it to fulfil its purpose of supervising the horses and being within earshot of any disturbance, particularly important at night
- 5.4 It is proposed to remove the caravan from the site and to position the log cabin in its place.
- 5.5 It will not be necessary to make any alterations to the current access arrangements. There is already a substantial parking and turning area for both cars and horseboxes. Clients do not visit the site regularly as Ms Oxtoby provides all the care of the horses. The expansion of the enterprise is not expected to lead to an increase in vehicle movements.

6.0 The Enterprise

- 6.1 The enterprise specialises in the dressage sector. Ms Oxtoby, who is extremely experienced and skilled in this discipline, has a well-established reputation that is a key factor in the continued success of her business. She

has a long established association with Gunthwaite Dressage, a leading dressage training and competition yard and Bramley Stud which breeds and trains young dressage horses.

6.2 Ms Oxtoby identified an opportunity to develop a business working in conjunction with the two dressage yards, as well as attracting clients on her own merit as a result of her reputation as a skilled trainer/rider of young dressage horses. On purchasing the site four years ago, she set up her business and has traded successfully since that time. She now wants to be able to secure the future of the business and to expand in order to optimise the site and increase the level of profitability.

6.3 In order to do this Ms Oxtoby needs to live on site at the stables to be able to provide additional rehabilitation services and essential supervision.

7.0 Planning Policy

7.1 The relevant national and local policies in examining this application are set out below:

- Revised National Planning Policy Framework (NPPF) 2019
- Barnsley Local Plan, Adopted January 2019

7.2 The National Planning Policy Framework (NPPF) supports rural enterprise and growth. Section 6. 'Building a strong, competitive economy'

Supporting a prosperous rural economy:

83. 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 other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

84. 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, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 7.3 Miss Oxtoby's business supports the local rural economy by purchasing all feed and supplies from local suppliers as well as the services of vets and farriers.
- 7.4 The enterprise will utilise buildings that form development that has been in place for many years rather than creating a need for new development. A full-time position has already been created but this is likely to increase to include employed and self-employed opportunities. It is proposed to take on at least one young person on an apprenticeship scheme. This makes a valuable contribution in a rural area where employment opportunities are scarce.
- 7.5 The rehabilitation livery business represents an expansion of an existing livery business. It is relatively small in scale and will create no increase in vehicle movements to and from the site. In fact, by living on site the vehicle movements are likely to be reduced.

- 7.6 NPPF Section 5. ‘Delivering a sufficient supply of homes’ addresses the exception to policy that accepts that there can be special circumstances when a dwelling should be allowed:

Rural housing

77 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

78 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79 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;

- 7.7 Barnsley Local Plan, Adopted January 2019, allows for the need of rural workers to live on site where it is genuinely necessary to support their business. Generically, reference is made to agricultural or forestry workers, however, the paragraph below at 18.11 refers to ‘...*farming, forestry or rural enterprise...*’

18. Green Belt and Safeguarded Land

18.11 One of the few circumstances in which isolated residential development may be justified in the Green Belt is when it is required to enable agriculture and forestry full time workers to live at or near their place of work. The aim of this policy is to ensure that such dwellings are genuinely linked to the farming, forestry or rural enterprise which is likely to materialise and capable of being sustained for a reasonable period of time and that the workers are required to live nearby.

18.12 If a new dwelling is essential to support a new farming activity it should normally, for the first 3 years, be provided by temporary accommodation such as a caravan or wooden structure which can be easily dismantled.

7.8 Barnsley Authority's most relevant policy is Local Plan Policy **GB5 Temporary Agricultural and Forestry Workers Dwellings** which states:

Proposals for temporary agricultural and forestry workers dwellings will be allowed provided that:

- There is clear evidence of a firm intention and ability to develop the enterprise concerned;
- A functional need can be demonstrated;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;

- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Where permission is granted this will be for a specified temporary period.

18.13 In the case of a temporary building, significant investment in new farm buildings will be taken as a good indication of intentions and ability to develop the enterprise concerned.

18.14 The information that needs to be provided by an applicant relating to establishing functional need, and demonstrating profitability and financial soundness is relevant for both permanent and temporary buildings.

18.15 A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise for example if workers are needed on hand day and night in case animals or agricultural processes require essential care at short notice, or to deal quickly with emergencies that could otherwise cause serious loss of crops or products (such as frost damage or the failure of automatic systems). We will consider whether any dwellings (or buildings suitable for conversion to dwellings) have recently been sold or separated from the farmland concerned. Such a sale would constitute evidence of a lack of agricultural need. The protection of livestock from theft or injury may contribute to the needs for a new agricultural dwelling, but will not by itself be sufficient to justify one. Requirements arising from food processing cannot be used to justify an agricultural dwelling.

18.16 A financial test is necessary to establish whether the farming enterprise is economically viable and to provide evidence of the size of the dwelling which the unit can sustain. Levels of profitability will be considered realistically taking into account the nature of the enterprise concerned.

Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, will not be permitted.

18.17 Permitted development rights may be removed to ensure that proposed extensions do not result in a dwelling the size of which exceeds what could be justified by the functional requirement. Where the need for the accommodation has been accepted, it will be necessary to ensure that the dwellings are kept available for meeting this need. As such planning permission should be subject to appropriate occupancy conditions. Where occupancy conditions are imposed they will not normally be removed unless it can be shown that the long terms needs, both on that unit and in the locality, no longer warrant the dwelling's reservation for that purpose.

7.9 Both the NPPF paragraph 79 and GB5 support the exception to policy that permits a dwelling where it can be shown that it is essential to the operation of the business. This is referred to as the 'functional test'. The way in which this application complies with these policies is set out section 8: The Functional Test.

7.10 NPPF Section 13. Protecting Green Belt land:

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

7.11 Barnsley Local Plan states:

18.4 In accordance with the NPPF and as set out in GB1, we will not allow proposals for 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy. As set out in paragraph 88 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.12 Barnsley Local Plan **Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt** states:

Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt

- Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.
- Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.
- Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and

- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

7.13 The livery enterprise by itself falls within ‘outdoor sport and recreation’ and as such is ‘*appropriate development*’. However, whilst the temporary dwelling is ancillary to the enterprise, it is acknowledged that the temporary dwelling is ‘*inappropriate development*’ and as such is required to demonstrate ‘*very special circumstances*’. **As a result of there being an essential need for a rural worker to live on site, ‘very special circumstances’ exist.**

7.14 Due to the proposed siting of the dwelling immediately adjacent to the existing buildings, it represents a very small increase in the existing built form, which is able to ‘*preserve the openness of the Green Belt and ...not conflict with the purposes of the Green Belt.*’. The nature of an equestrian business is such that it has to be within a rural location. The structures are in close proximity to each other creating a compact holding that is well-screened, from both the highway and adjacent properties.

7.15 In addition, the proposal is to place the log cabin in the current position of the caravan, which is to be removed from site. This replacement will ‘improve’ any potential visual impact on the landscape of the lawful caravan. The log cabin will be timber coloured as opposed to the light green colour of the caravan.

7.16 The principle of permitting isolated homes in the countryside is supported with the publication of paragraph 79 of the NPPF which states:

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;

7.17 This report together with the Business Plan and Forecasts, submitted confidentially, provide the additional information necessary to demonstrate conclusively that the enterprise fully complies with all relevant policies. In particular, it is essential to the enterprise that there is accommodation on site and this essential need is accepted in planning terms as constituting 'very special circumstances'.

Appraisal

8.0 The Functional Test

- 8.1 The appraisal of the functional test is prepared in my capacity as an expert in equine welfare.
- 8.2 There are currently five full-liveries on site. The business expansion will increase the number of horses to nine, to include horses sent for rehabilitation. The horses are primarily dressage horses and have significant value.
- 8.3 All of the horses are stabled and turned out into the paddocks for relaxation each day. All horses stabled for long periods are predisposed to developing colic or becoming cast, both of which require urgent attention and potentially require attendance at night.
- 8.4 In order for surgery to be successful it is vital that the onset of colic is identified at an early stage. Stabled horses are also at risk of becoming cast, which can lead to injury of the neck, back, or legs, and sometimes death if not dealt with immediately.
- 8.5 In physiological terms, horses are designed to be constantly moving. This is the reason that horses stabled for long periods can develop digestive and circulatory conditions, with serious consequences. In addition, horses that are stabled for long periods can become very stressed. It is for these reasons that not only do they need skilled attention and care, but constant monitoring for changes to vital signs or of behaviour that might indicate a problem. Without constant monitoring the welfare of such horses could be seriously compromised.
- 8.6 **Colic** - It is essential that colic be noticed at a very early stage. Although the majority of cases of colic do not require surgery a vet should always be called to administer painkillers and other appropriate treatments. If colic is not noticed in the very early stages, complications can lead to surgery being necessary. In particular types of colic where surgery is essential, any delay in

transporting the horse to an equine hospital can reduce the survival rate dramatically.

- 8.7 **Cast** - Stabled horses are also at risk of becoming cast. This means that they either lie down too close to a wall that they cannot position their legs so that they can get up, or they lie down and then roll over in to a position too close to the wall to enable them to get up. When a horse gets into this position they typically panic and exhaust themselves. Frequently, this can lead to injury of the neck, legs or back and sometimes death. In particular, if a horse is cast during the night and is not noticed until morning it is often too late for the vet to be able to save the horse and is not unusual for them to have to be euthanized.
- 8.8 **Choking** – This happens when food becomes stuck somewhere between the mouth and the stomach, in the oesophagus. It is usually quite apparent that a horse is choking, by the visual signs. If within earshot, the sound of the horse ‘choking’ is quite definitive. If the choking continues for more than 20 minutes the vet should be called to give an anti-spasmodic, which will relax the oesophagus and enable the obstruction to pass through. However, if the obstruction has existed for some time, or the horse is extremely distressed, it will be necessary to remove the blockage using a stomach tube to enable fluids to be pumped through. Fluids through an intravenous drip may also be required, as the horse will become dehydrated. The longer the period of the obstruction the greater the chance of complications. Aspiration pneumonia is believed to occur in 67% of choking cases. Choking is rare in horses out at grass.
- 8.9 Horses on the yard for rehabilitation will be owned by private clients and other equestrian business owners. These will have been referred by vets or sent directly by the horses’ owners. The specific requirements of these horses will depend on the individual circumstances of each horse. In all cases, whether needing post operative care or box rest, the required level of skilled management and constant supervision is extremely high.
- 8.10 Horses that have been ill or have leg injuries cannot be exercised, significantly increasing the risk of colic and other digestive and circulatory

complications. In addition, if their movement is severely restricted they can become very anxious and distressed. It is essential that they have skilled attention and care and constant monitoring for changes to vital signs or of behaviour that might indicate deterioration or complications.

Animal Welfare Law

8.11 Animal welfare legislation, and specifically equine welfare, has been updated and significantly extended in recent years. The Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, presented to Parliament pursuant to Section 15 of the Animal Welfare Act 2006, was published in December 2017.

- **Animal Welfare Act 2006**

- **Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys**, 2009 National Equine Welfare Council

- **Code of practice for the welfare of horses, ponies, donkeys and their Hybrids** December 2017

8.12 The specific conditions, injuries and illnesses that will be typical of the horses on site will have a much higher requirement for immediate care and supervision than ordinary horses. The law relating to the responsibility for maintaining equine welfare and the prevention of pain and distress is clearly stated:

8.13 **Animal Welfare Act 2006:**

S9 Duty of person responsible for animal to ensure welfare

(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

(2) For the purposes of this Act, an animal's needs shall be taken to include—

(a) its need for a suitable environment,

(b) its need for a suitable diet,

(c) its need to be able to exhibit normal behaviour patterns,

(d) any need it has to be housed with, or apart from, other animals, and

(e) its need to be protected from pain, suffering, injury and disease.

8.14 These issues are specifically relevant when dealing with horses that are already recovering from illness, disease or injury, in particular, the on-going control of pain.

8.15 **Code of practice for the welfare of horses, ponies, donkeys and their hybrids**, December 2017:

Under the Act animal owners and keepers are under a legal duty of care for the animals for which they are responsible on a permanent or temporary basis. A person could therefore be responsible for an animal if they own it or are in charge of it.

Responsibility for an animal includes having an understanding of the specific welfare needs, including health, of the animal and having the appropriate knowledge and skills to care for the animal.

Those responsible for animals will also have to comply with the legislation and should be aware of this Code of Practice.

8.16 **Equine Industry Welfare Guidelines Compendium 2009**, National Equine Welfare Council:

The Compendium is now a well-respected authority on equine welfare standards in the UK. It has been widely received throughout the horse industry and has been used as a reference document for many local authorities, police forces and welfare organisations involved in horse welfare investigations.

GENERAL HEALTH AND WELFARE PROVISIONS

111 The most significant single influence on the welfare of the horse is the care and management provided by the person giving day to day care for the horse, which is usually the owner or keeper of the horse.

112 All horse owners and keepers have a legal duty to be aware of the welfare needs of their horses and be capable of providing for them under all reasonably foreseeable conditions.

113 People working with horses should understand and accept that they have a responsibility for the welfare and health of the horses in their care. Employers have an obligation to train their staff with respect to humane handling and animal care, and ensure that they understand the legal requirements.

114 Every person responsible for the supervision of horses must be able to recognise early signs of distress or ill health, have a basic knowledge of equine first aid and have access to a veterinary surgeon, to diagnose and treat any serious illness or injury.

115 Management practices should accommodate the needs of horses, as outlined in the legislation, which in addition to an appropriate environment and adequate diet allow the expression of natural behaviour, particularly socialising, in a safe and protected manner, concurrent with the prevention of injury or disease.

RECOGNISING SIGNS OF ILL HEALTH

124 Any person with responsibility for a horse should be able to recognise signs of ill health even if they do not know the precise cause. Any change in appetite, drinking, appearance or quantity of droppings or urine, body condition, demeanour or behaviour or obvious injury or lameness should be noticed and prompt action taken to correct the problem.

125 A veterinary surgeon should be consulted urgently and requested to attend by the owner or person in charge of the horse if there are any signs of:

- acute abdominal pain or colic
- serious injury involving deep wounds, severe haemorrhage, suspected bone fractures or damage to the eyes
- persistent straining by a mare due to foal without clear signs of progress. If attention is not given within 20 minutes it may prove fatal for the foal and possibly the mare.
- inability to rise or stand

- inability or abnormal reluctance to move
- non-weight bearing lameness
- severe diarrhoea or constipation
- prolonged/abnormal sweating, high temperature, anxiety, restlessness, loss of appetite
- respiratory distress
- any other signs of acute pain or injury or distress
- rapid weight loss associated with either severe diarrhoea or constipation
- food or liquid being expelled from the nostrils (choke)
- collapse or sudden lameness, acute diarrhoea, respiratory distress or going off suck with a significant fever in foals.

126 A veterinary surgeon should be consulted as soon as possible and certainly within 48 hours of the owner or person in charge first becoming aware of the following conditions:

- marked lameness (not covered by paragraph 125) that has not responded to normal first aid treatment
- injury that has not responded to normal first aid treatment
- loss of appetite lasting more than one day
- marked weight loss which has not responded to increased forage or warmth
- skin conditions that have not responded to treatment, including saddle sores and girth galls
- other illness or injury which whilst not severe does not improve rapidly
- signs suspicious of infectious disease, such as severe nasal discharge, coughing, congested mucous membranes, jaundice, raised temperature, enlarged lymph nodes, diarrhoea or general malaise.

8.17 The legislation clearly sets out the duty of care owed by the person looking after the horses. Given the injuries and conditions of the horses that will be referred by vets, the duty of care in respect of this particular type of business is extremely high. This represents Very Special Circumstances that justify a temporary dwelling.

- 8.18 The types of illnesses, injuries and conditions and treatments that are likely to be dealt with are explained in more detail in the Business Plan. The highly serious nature of the conditions is explained together with the treatments.
- 8.19 Although the use of webcams or security alarms is helpful in identifying intruders, Inspectors' decisions have recognised that these are ineffective in terms of alerting yard owners to emergency situations. Without being on site it is not possible to hear if a horse is kicking the walls of its box through distress or pain, or choking, for example.
- 8.20 In the case of fire, if not living on site valuable time could be lost in the time taken to reach the horses, even if alerted at an early stage, which is unlikely.
- 8.21 **Threat to continued viability** - If any horse belonging to a client suffered an injury or illness that was not identified sufficiently early, confidence in the business would be severely undermined. The reputation of the livery and rehabilitation services would be severely damaged. This would seriously impact on the viability of the business.
- 8.22 For the reasons set out, it is clearly vital that the applicant live in close proximity to the horses. There is an **existing** functional need. The provision of skilled supervision around the clock is essential, not only for the welfare of the horses, but to ensure the future of the business.
- 8.23 Liveries and horses sent by clients for rehabilitation require supervision at all times, creating an essential need for a worker to live on site which constitutes 'very special circumstances'.
- 8.24 The number of horses on site clearly generates a labour need of at least a full-time worker.

9.0 The Financial Test

- 9.1 The applicant has prepared detailed figures, which have been incorporated into the 'Business Plan and Forecasts'. This sets out the way in which the enterprise will be able to develop over the next three years. This has clearly been planned on a sound financial basis. In my capacity as an expert in equine business, I have examined the figures and prepared a financial analysis. This is being submitted on a confidential basis.
- 9.2 In my opinion, the financial test is met. The provision of on-site accommodation will enable the business to become more profitable and sustainable in the long term.

10.0 Summary

- 10.1 Whilst the site is within the Green Belt, the particular circumstances of the enterprise – the essential need to live on site to adequately supervise the horses - constitutes ‘very special circumstances’, which justify a temporary dwelling. The application complies with the new Local Plan Policy GB5 Temporary Agricultural and Forestry Workers Dwellings.
- 10.2 The nature of an equestrian business is such that it has to be within a rural location within open countryside. This application relates to an existing business and the applicant has already proven her commitment in terms of her hard work in establishing the business and investment in facilities. The business has continued to grow and is a well-established livery yard operating with 100% occupancy.
- 10.3 The business is viable and sustainable in the long term. The supervision provided by the temporary dwelling will enable the business to improve profitability and provide employment opportunities.
- 10.4 The dwelling will support the provision of livery and rehabilitation services for clients, some of these clients keep horses entirely for sport and recreation.
- 10.5 The provision of livery and rehabilitation services to dressage competition yards fulfils an important role in other rural-based businesses.
- 10.6 The enterprise fulfils the ‘functional test’. The particular needs of the horses on site have been clearly shown to require 24-hour supervision. There is no alternative accommodation in sufficiently close proximity to the horses. Without 24-hour supervision on site, besides equine welfare and security issues, the business could be severely compromised if the livery clients removed their horses. Clients and vets would not send horses for rehabilitation without there was someone on site 24 hours a day.
- 10.7 The temporary dwelling proposed is of a very modest size of approximately 72 square metres. It will be sited immediately adjacent to the stabling and existing buildings. As it is proposed to replace the caravan with the temporary

dwelling, any potential impact will be reduced as the timber colour of the temporary dwelling will be more suited to its environment.

11.0 Conclusion

- 11.1 As a livery business, there is an established and existing functional need for someone to be on site. The expansion of the business to include rehabilitation cases will increase the essential need for someone to be on site 24-hours a day. Essential need constitutes ‘very special circumstances’.
- 11.2 The business has a need for at least a full-time worker.
- 11.3 The submitted confidential Business Plan and Forecasts shows that the enterprise is planned on a sound financial basis.
- 11.4 The proposal complies with national and local planning policies, including Green Belt policy.