
2023/0105

Miss K Oxtoby

Removal of condition 4 of application 2019/0250 (Siting of log cabin as a temporary rural enterprise dwelling) to allow the retention of the log cabin on a permanent basis

Cat Hill Livery, Firs Lane, Hoylandswaine, Sheffield, S36 7JG

Site Location and Description

The site comprises approximately 10 acres of grazing land enclosed by post and rail fencing, stock fencing, trees, and hedging. The site is well screened by an area of trees along the northern and southern boundaries with Firs Lane. Access to the site is taken from Firs Lane, through this bank of trees, there is also an access further along Firs Lane which accesses the property from the north. The closest residential properties are set at Crabtree House, Crabtree Lodge and Crabtree Arena, to the south, beyond this belt of trees. The local area is characterised by small equestrian sites with stabling and ancillary facilities and agricultural land.

The site currently comprises:

- Row of block stabling creating five boxes with rubber matting and automatic water, 10ft (3m) x 14ft (4.2m) each box, 18ft (5.5m) to the highest point at the front
- Barn of block construction, Yorkshire boarding with box profile roof, 45ft (13.7m) x 30ft (9.1m) with five internal boxes, 11.8ft (3.6m) to the eaves and 16ft (4.9m) to the ridge
- Open-fronted barn for storage of hay produced on the holding, bedding etc 45ft (13.7m) x 30ft (9.1m), 11.8ft (3.6m) to the eaves and 16ft (4.9m) to the ridge
- Large area of hardstanding adjoining barns to provide parking and turning area
- Log cabin, as temporary rural enterprise dwelling
- Barn/turnout pen 75ft (22.8m) x 35ft (10.6m), 12ft (3.6m) to the eaves and 16ft (4.9m) overall height to the ridge.
- Barn for Equine Water Treadmill and facilities measuring 18.3m by 7.9m and 3m to the eaves with a mono pitch roof to 3.6m overall height
- Turn out pen

Planning History

2018/0638 – Temporary rural enterprise dwelling in the form of a log cabin – Withdrawn

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 – Approved October 2018

2018/1420 - Retrospective application for open-fronted hay/storage barn – Approved January 2019

2019/0250 – Siting of log cabin as a temporary rural enterprise dwelling to support existing business – Approved January 2020

2020/0687 – Erection of barn/turnout pen for use ancillary to commercial equestrian livery and rehabilitation – Approved September 2020

2021/0709 – Erection of barn for Equine Water Treadmill and facilities – Approved July 2021

2022/1095 – Erection of storage barn and extension to access track in connection with equestrian use on site – Approved January 2023

Proposed Development

The applicant seeks permission for the removal of condition 4 of application 2019/0250, which required the building to be removed from the site and the land restored to its original state within 3 years of the date of this permission.

Permission is sought to enable the retention of the log cabin on a permanent basis at Cat Hill Livery, Firs Lane, Hoylandswaine, Sheffield, S36 7JG, which is occupied by the owner of the site, Ms K Oxtoby and fulfils the essential need for 24-hour supervision specifically generated by the livery and rehabilitation livery.

The log cabin is modest in size with two bedrooms, a living room, kitchen, and bathroom. The floorspace of the cabin is approximately 75m² and is sited as close as possible to the existing stabling on site, enabling it to fulfil its purpose of supervising the horses 24 hours a day.

A planning statement has been submitted as part of the application outlining the need for Ms Oxtoby to remain living on site, in addition to confidential financial information which demonstrates that the business has been established for a number of years and has made a profit each year.

Since obtaining consent to live on site in 2020, the applicant has been able to develop the business to increase the number of horses, both for full livery and rehabilitation. In the last three years, the business has developed its rehabilitation services with the provision of an equine water treadmill, which has increased revenue and profitability to become a very successful rural enterprise.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, and the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is set within the Green Belt as shown on the Proposals Map of the Adopted Local Plan and therefore the following policies are relevant:

Policy GB1 Protection of Green Belt
Policy GB4 Permanent Agricultural and Forestry Workers Dwellings
Policy GB5 Temporary Agricultural and Forestry Workers Dwellings
Policy GD1 General Development
Policy T4 New Development and Transport Safety
Policy E6 Rural Economy
Policy BIO1 Biodiversity and Geodiversity
Policy D1 High Quality Design and Place Making

Policy SD1 Presumption in favour of Sustainable Development

National Planning Policy Framework

The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Chapter 5 Delivering a sufficient supply of homes

Paragraph 80 states 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
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- c) The development would re-use redundant or disused buildings and enhance its immediate setting
- d) The development would involve the subdivision of an existing residential building or
- e) The design is of exceptional quality in that it
 - Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and
 - Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Chapter 6 Building a strong, competitive economy

Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt.

Paragraph 84 states that planning policies and decisions should enable, amongst others

- 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 with respect the character of the countryside

Chapter 13 Protecting Green Belt Land

Paragraph 147 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that 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.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this, which amongst others include:

- 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 off the Green Belt and do not conflict with the purposes of including land within it.

Consultations

Drainage – happy for details to be checked by building control
Highways DC – no objections
SYMAS – no objections
Parish Council – no comments received
Ward Councillors – no comments received

Representations

The application has been advertised by the way of a site notice; no representations have been received.

Assessment

Principle of development

The site is within an area designated as Green Belt where the erection of new residential development is classed as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The NPPF also states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy GB4 of the Local Plan relates to agricultural and forestry workers dwellings however the NPPF considers the needs of any rural worker to live at or near their place of work and is not restricted to agriculture or forestry. Notwithstanding this, the principles within the policy can still be applied to any rural worker. Policy GB4 allows permanent rural workers dwellings provided that they support existing units, there is clearly an established functional need which relates to a full time worker, that the unit has been established for at least 3 years and profitable for at least one, are currently financially sound and have a clear prospect of remaining so, and the functional need could not be fulfilled by another existing dwelling either on the unit or in the area which is suitable and available for occupation by the workers concerned.

In considering functional need, it 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. Such a requirement may arise where workers are needed on site in case animals require essential care at short notice, or to deal with emergencies that could otherwise result in a serious loss of animals if not dealt with quickly. In addition, the security of the enterprise must be considered as part of the functional need.

The application documents state that the applicant, Ms K Oxtoby is a highly skilled and experienced equestrian having been in the industry for the last twenty years. 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. A full livery yard has been established with the applicant working full time at the site, providing care of client's horses. Clients do not visit the site regularly as Ms Oxtoby provides all the care of the horses. Over the last 3 years, since the approval of the temporary residential unit

was granted, the business has been able to develop to become a profitable and sustainable venture, which is clear from the financial information provided in addition to the level of expansion requiring planning approval.

The applicant considers that living permanently on the site improves security and would allow for surveillance at the site as the horses kept on the site are primarily dressage horses and have significant value. The rehabilitation livery also requires 24-hour supervision due to the condition of the horses and that they may require urgent medical attention and creating an essential need for a worker to live on site, which constitutes very special circumstances. The rehabilitation livery and the requirement for 24-hour supervision and the type and projected number of high value livery horses that will be on site is sufficient to fulfil the functional test. As the applicant Ms K Oxtoby is the sole owner of the business and will be responsible for all aspects of the business and would be the occupant of the proposed temporary dwelling, it is considered that any permission should be personal to the applicant and any dependents.

An assessment must be made of properties available within the area, and if the need for the dwelling could alternatively be met in the locality by purchasing or renting a property in the immediate area. There are no properties nearby, due to the isolated location of the site, which would allow close supervision of the horses and equipment. There are no houses available in the immediate proximity and those that are for sale in the wider area are priced above what would be affordable for a rural worker on the wage being paid by the business.

The existing log cabin is of a size commensurate with the established functions need, is sited directly adjacent to existing buildings and whilst of a timber construction does not have an adverse impact on the visual amenity of the area or upon the wider Green Belt.

It is considered that the applicant has provided sufficient evidence and very special circumstances to show that the business has been established for at least 3 years and has been profitable for at least one, there is a firm intention and ability to develop the enterprise concerned, that a functional need can be demonstrated, and that 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, in compliance with policy GB4 of the Local Plan and the NPPF.

Visual Amenity

The size of the dwelling is considered acceptable at approximately 75m²; as a rule, agricultural workers dwellings approved in Barnsley range between 100m² and 150m², depending on the functional requirements of the holding. The dwelling would provide suitable living accommodation for the applicant without being excessive in size. The cabin is small in scale and is located within the existing livery yard, close to the other buildings and shares the same access. The dwelling has a limited curtilage and given its scale has limited impact on the openness of the Green Belt.

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 easily be dismantled. Policy GB4 does not require that a dwelling subject to this policy be of permanent construction, just that it be of a high standard of design and respect the character of its surroundings, in its footprint scale and massing. Whilst it could be argued that a log cabin is not of a high standard of design, it does respect the character of its surroundings and whilst a dwelling of a more permanent construction may be more architecturally superior, in this location, would appear most discordant and have a greater impact on the character of the area and the wider Green Belt. It is therefore considered that the retention of the dwelling would not cause any significant detriment to the openness or

visual amenity of the Green Belt and as such is acceptable and in compliance with Local Plan Policies GB1 and GB4.

Residential Amenity

There are no close neighbouring dwellings which would be affected by the proposal and as such the proposal is considered acceptable and in compliance with Local Plan Policy GD1 – General Development

Highway Concerns

Highways have been consulted on the application and have raised no objection to the retention of the cabin on a permanent basis as it is not considered to generate any significant traffic movements and, has operated without problem since temporary permission was granted in early 2020. The proposal is therefore considered acceptable in terms of its impact on the highway network and safety and in accordance with Local Plan Policy T4

Conclusion

The proposal for the removal of condition to allow the retention of the log cabin on a permanent basis at Cat Hill Livery, by Ms K Oxtoby has been assessed against the relevant policies of the Local Plan and the NPPF. Sufficient information has been provided to demonstrate that the dwelling is required to support the rural enterprise, no other dwellings are available in the immediate area and the siting, scale, and design of the dwelling is commensurate with the need.

As the applicant is the sole owner of the business and will be responsible for all aspects of the business, and would be the occupant of the dwelling, it is considered that any permission should be personal to the applicant and any dependants in accordance with Local Plan Policy GB4.

Based on the assessment above it is considered that sufficient justification has been provided to support the application and that the proposed development would preserve the openness of the green belt, and as such is in compliance with Local Plan Policies GB1, GB4, GD1, D1 and T4 and is acceptable.

Recommendation

Approve with conditions