

Planning Statement

Incorporating Rural Enterprise Dwelling Appraisal:

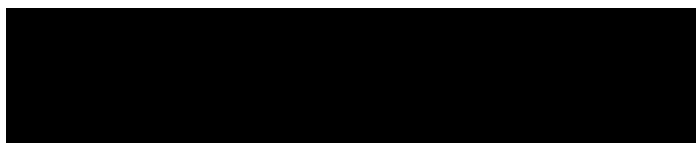
**Application for removal of condition 3 of planning permission ref: 2020/0380 to
allow the retention of the log cabin on a permanent basis**

**Wentworth Grange Farm
Stainborough Lane, Hood Green, Barnsley S75 3HA**

Prepared by:

**Sally-Ann Tinsley BSc, LL Dip, PgC Ag Law
Equine Commercial-Legal**

**Marigold Cottage
The Square
Audlem
Cheshire
CW3 0AD**



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1.0 Introduction

- 1.1 A planning application is being submitted for removal of condition 3 of planning application 2020/0380 to enable the retention of the log cabin on a permanent basis at Wentworth Grange Farm, Stainborough Lane, Hood Green, Barnsley S75 3HA, by Mrs Caroline Saynor.
- 1.2 This report incorporates an appraisal of the application for a rural enterprise dwelling to support the established enterprise.
- 1.3 The applicant was granted planning permission for a temporary dwelling, in the form of a log cabin, on the 13th August 2020. The applicant is now seeking to retain the log cabin on a permanent basis. This report examines the case for a dwelling in the context of local and national planning policies. In particular, whether there remains an essential need for accommodation on site and whether the business remains viable and sustainable in the long term.
- 1.4 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, LL Dip Law degree and PgC Agricultural Law. I advise the public and private sector 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.
- 1.5 With formal academic qualifications in law, business management, equine science and behaviour, I act as an expert witness and prepare expert reports for solicitors in relation to personal injury cases, disputes and veterinary negligence.

2.0 Background

- 2.1 The site, known as Wentworth Grange Farm, comprises approximately 80 acres of grassland.
- 2.2 The site is accessed via a farm driveway, from Stainborough Lane out of Hood Green.

2.3 The following buildings/structures are on site:

- Barn incorporating internal stabling;
- 7 x Youngstock pens alongside the barn;
- Riding surface, unfenced apart from low timber boundary and retaining boards;
- Turnout pen for mares and foals;
- Log cabin

2.4 Condition 3 of planning permission 2020/0380 states:

*3 The building hereby permitted shall be removed from the site and the land restored to its original state within 3 years of the date of this permission.
Reason: In the interests of the visual amenities of the locality.*

2.5 The proposal is to remove this condition to enable the log cabin to remain on site permanently, as a rural enterprise dwelling, to fulfil the essential need for 24-hour supervision.

3.0 Planning History

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

- **2020/0380** Change of use from agricultural to ‘mixed agricultural and equestrian’; outdoor riding surface; mobile turnout pen and siting of temporary rural enterprise dwelling (log cabin) for three years – Part retrospective – Permission granted 13th August 2020
- **2016/0321** Proposed agricultural building to house livestock and to store fodder and implements – Permission granted 28th July 2016.

4.0 The Enterprise

- 4.1 The enterprise specialises in the breeding and training of dressage horses. Mrs Saynor is an accomplished breeder, trainer and rider within the dressage sector. She has been breeding horses since 1985.
- 4.2 It continues to be essential that Mrs Saynor lives on site to effectively supervise the welfare of the high number of high-risk horses that are kept on site.
- 4.3 Some of these horses are owned by Mrs Saynor, but a significant number of are owned by clients.

5.0 Planning Policy

- 5.1 The relevant national and local policies in examining this application are set out below:
- National Planning Policy Framework (NPPF) 2021
 - Planning Practice Guidance July 2019
 - Barnsley Local Plan, Adopted January 2019
- 5.2 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

78 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.

79 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.

80 *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; (my definition)*

5.3 The essential need remains, as determined with the previous application, and set out in this report.

5.4 Planning Practice Guidance ‘Housing Needs of Different Groups’, published July 2019, provides additional guidance:

How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

5.5 This Planning Practice Guidance provided updated advice on the appraisal of the workers' dwellings, clarifying the intention of paragraph 79. Whilst the NPPF has been updated in July 2021, it remains relevant. This confirms continued national planning policy support for applications such as this.

5.6 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...*'

5.7 Barnsley Authority's most relevant policy is Local Plan Policy **GB4 Permanent Agricultural and Forestry Workers Dwellings:**

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

- They support existing agricultural or forestry activities on well-established agricultural or forestry units;*
- There is clearly an established existing functional need which relates to a full time worker;*
- The unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; 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 we may remove permitted development rights, and impose occupancy conditions as appropriate.

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.*

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.*

- 5.8 Both the NPPF paragraph 80, PPG and GB4 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’.
- 5.9 The dwelling has been shown to be essential to the operation of the enterprise and therefore ‘Very Special Circumstances’ required of NPPF paragraph 148 exist. (*See 6.0 The Functional Test*)
- 5.10 The National Planning Policy Framework (NPPF) supports rural enterprise and growth. Section 6. ‘Building a strong, competitive economy’

Supporting a prosperous rural economy:

84. 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; (my definition)

b) the development and diversification of agricultural and other land-based rural businesses; (my definition)

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.

85. 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.

5.11 NPPF Section 13. Protecting Green Belt land:

Proposals affecting the Green Belt

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

148. 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.

149. 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;*

5.12 Barnsley Local Plan, under '8. Economy', highlights:

The Challenge:

- Developing the Barnsley economy to meet local needs and to provide local job opportunities*
- Enabling appropriate rural diversification*
- Maintaining sustainable rural communities and viable villages*

Policy E6 Rural Economy

We will encourage a viable rural economy by allowing development in rural area if it:

- Supports the sustainable diversification and development of the rural economy:*
- Results in the growth of existing businesses*
- Is related to tourism or recreation; or*
- Improves the range and quality of local services in existing settlements.*

Development in rural areas will be expected to:

- *Be of a scale proportionate to the size and scale of the settlement;*
- *Be directly related, where appropriate, to the needs of the settlement;*
- *Not have a harmful impact on the countryside, biodiversity, Green belt, landscape or local character of the area;*
- *Consider the re-use of existing rural buildings in the first instance; and*
- *Protect the best quality agricultural land, areas of lower quality land should be used for development in preference to the best and most versatile land.*

8.32 *It is important that the Local Plan plays a role in maintaining and enhancing sustainable rural communities. To do this we need to balance the potentially conflicting demands on rural areas. This policy seeks to support the diversification and strengthening of the rural economy and revitalisation of rural villages and to improve the range and quality of local services available to rural communities. This however must not be at the expense of maintaining the character and quality of Barnsley's environment. Development in rural areas must have due respect to the character of the landscape, biodiversity, and the Green Belt.*

8.33 *Rural diversification should relate primarily to business and employment development, rather than residential development, with priority given to the re-use of existing buildings rather than the construction of new ones. Small businesses, self employment and home based work are particularly important in rural areas and will be supported, as will opportunities to increase the availability of high speed broadband internet services in rural areas.*

- 5.13 The applicant's business represents the 'sustainable growth and expansion of ... business in rural areas' and 'the development and diversification of agricultural and other land-based rural businesses;' as a well-established rural enterprise at the site. It will continue to support the local rural economy by purchasing all feed and supplies from local suppliers, as well as the services of veterinary practices, veterinary physiotherapists, and other equestrian professionals.
- 5.14 The business as it currently operates provides full-time employment for the applicant and a part-time position. This continues to make a valuable contribution in a rural area where employment opportunities are scarce.

Appraisal

6.0 The Functional Test

- 6.1 The appraisal of the functional test is prepared in my capacity as an expert in equine welfare.
- 6.2 There are currently 36 horses on site. At the time of the previous application there were 23 horses on site. These include breeding mares and foals, youngstock and competition horses. The horses are bred primarily for competitive dressage. The horses are detailed in the confidential financial report being submitted.
- 6.3 **Breeding mares and foals:** The mares require skilled 24-hour supervision in the weeks approaching foaling and should never be allowed to foal unsupervised due to the very many complications that can arise.
- 6.4 Mares and foals are stabled, and turned out into the turn-out pen for exercise each day. New foals require extremely close supervision as there are many conditions that they can either be born with, or that they can develop shortly after birth.
- 6.5 In addition, shortly after foaling, the mare is put in foal so that she will foal at the same time the following year. This is done by a process of AI which is carried out by the vet. This is a very complex process that requires close supervision of the mare. It is also an expensive procedure, not only the high value of the stud fee but the veterinary expertise. If this is not successful, the breeding program is delayed, and the business impacted financially.
- 6.6 **Foals:** All foals have to be weaned from the mare. Weaning takes place when the foal is approximately four to six months old, when the foal is eating hard feed and hay sufficiently to be able to sustain good health and optimum growth. Weaned foals thrive when reared with several other weanlings and it is for this reason that owners send them away to studs. It is also important that appropriate facilities are available as this is a very stressful period for a foal and if the process of weaning is not carried out under the correct conditions a foal can easily be injured.

- 6.7 Foals are always stabled during the weaning process. If turned out into the paddocks in the early stages, they would injure themselves in their attempt to find their mothers. The process of weaning can be extremely stressful for foals. It is important that they are well supervised to prevent injury, not just because of the welfare implications but because these foals will be destined for the show ring and sale.
- 6.8 The open plan livestock housing along the north-east side of the building has been utilised to create seven youngstock pens for housing foals and youngstock. These provide an ideal environment for several foals to be weaned together to replicate natural herd behaviour, to minimise stress and to reduce the risk of injury. The position of the log cabin mobile home is immediately adjacent to these pens.
- 6.9 **Youngstock:** The youngstock are turned out during the day and stabled at night. However, as they reach three years old, they are primarily stabled during the day as they are being trained to be ridden and prepared to be sold.
- 6.10 Young horses are typically quite nervous animals. These horses are bred to show and sell. Any injury could result in a horse not being able to attend a vital show and critical opportunities to exhibit and market stock is lost. Any injury leading to a scar or blemish will prevent a horse winning in the ring and will seriously reduce its value. Without a show record of winning or being placed the value of a particular horse will be diminished. If valuable breeding potential is lost, the breeding programme and viability of the business could be adversely affected.
- 6.11 **Competition horses:** The competition horses are mainly stabled with a period of 'relaxation time' in a paddock each day and exercised/trained on the riding surface.
- 6.12 However, the stabling of horses for long periods can increase the likelihood of colic as well as increasing stress. 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. Horses

stabled for long periods are predisposed to developing colic, becoming cast or choking, all of which require immediate attention.

6.13 **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.

6.14 The Equine Hospital at the University of Liverpool specifically refers to stabling as a risk factor:

- Increased stabling time has been shown to increase the chances of colic occurring.

6.15 The Equine Hospital at the University of Liverpool is a leader in the research into equine colic. The following is an extract from their website:

'There are over 70 different types of intestinal problems that cause colic symptoms, which range from mild to severe (life-threatening) in nature.'

'Early diagnosis and surgical treatment of more serious cases of colic remains one of the most important factors in giving horses the best chance of survival following colic surgery.'

What are the symptoms of colic in horses?

Horses will typically display some or all of the following:-

In mild cases:

Lip curling.

Flank watching.

Restlessness.

Pawing the ground.

In moderate cases:

Posturing to urinate frequently.

Lying down and getting back up.

Lying on their side for long periods.

In severe cases:

Violent rolling.

Sweating.

Rapid breathing.

Injuries to body and face from rolling and thrashing around.

What should you do if you suspect colic?

Colic is a potentially life-threatening disease. If a horse displays moderate or severe symptoms they will need urgent veterinary attention and possibly referral to us, if this is an option.

If your horse displays mild symptoms of colic try walking them around (do not canter or trot) for no more than ten minutes. If symptoms persist for more than 30 minutes or are more severe in nature call your vet immediately.

- 6.16 The extract above clearly shows how signs of colic could easily be missed leading to the condition becoming untreatable, in addition to the horse being left in pain for many hours. It highlights the potential for problems if adequate supervision is not provided outside ‘normal working hours’.
- 6.17 **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 into a position too close to the wall to enable them to get up. When a horse gets into this position they 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.
- 6.18 This is due to the physiological damage to the horse whilst being trapped in this position. A process known as reperfusion takes place. This means that due to the weight of the horse, the circulation of blood is restricted which leads to damage to the muscles and nerves. When the horse is rescued and standing, they can suffer extreme pain and inflammation. Blood may also pool in the lungs, which leads to the horse suffocating.
- 6.19 **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.

- 6.20 **Animal Welfare Law:** 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**

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

- 6.21 The specific conditions, injuries and illnesses that will be typical of the breeding mares, foals, youngstock and competition 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:

- 6.22 **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.

6.23 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.

6.24 The legislation clearly sets out the duty of care owed by the person looking after the horses. Given the potential for illness and complications of breeding mares and foals, the duty of care in respect of this particular type of business is extremely high.

6.25 **Threat to continued viability** - If any horse, whether a breeding mare, or youngstock suffered an injury or illness that was not identified sufficiently early, this could result in a significant financial loss to the business which could impact its viability. If the horse belonged to a client, then confidence in the business would be severely undermined and the reputation of the business damaged leading to loss of income.

6.26 For the reasons set out, it is clearly vital that the applicant continue to live in close proximity to the horses. There is a continuing 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.

- 6.27 The number of in-foal mares and foals, youngstock and competition horses - currently 36 horses on site - requires supervision at all times, creating an 'essential need' for a worker to live on site.

7.0 The Financial Test

- 7.1 The business is now well-established and has made a profit each year.
- 7.2 The confidential accounts and financial report sets out that the business is viable and sustainable in the long term.
- 7.3 In my opinion, the financial test is met. The business is currently financially sound but relies on the applicant continuing to live on site in order to remain viable and sustainable for the long term.

8.0 Conclusion

- 8.1 The functional need was established with the approval of the temporary dwelling. There continues to be a need for on-site accommodation, which is essential to the running of the business both in terms of equine welfare and the viability of the business.
- 8.2 The particular needs of the horses on site have been clearly shown to have an essential need for 24-hour supervision, which constitutes 'Very Special Circumstances', required of inappropriate development in the Green Belt.
- 8.3 The business is viable and sustainable in the long term and the financial test is met. However, the enterprise relies on the continued supervision that the log cabin provides.
- 8.4 The application to retain the log cabin on a permanent basis complies with local and national planning policy.