
2023/0684

Removal of condition 3 of planning permission 2020/0380 to allow the retention of the log cabin on a permanent basis - 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 a period of 3 years - Part retrospective

Wentworth Grange Farm, Stainborough Lane, Hood Green, Barnsley, S75 3HA
Barnsley S75 4LD

Site Description and Background

The site is in a relatively isolated location approximately 1km to the south of Hood Green and comprises agricultural pasture within a natural small valley. There is no dwelling associated with the farm land which originally formed part of Wood Nook Farm. Access is via a lengthy farm track from Stainborough Lane which also serves Wood Nook Farm and other isolated dwellings in the locality. The site comprises several fields of pasture used for horses livery and stud. The access track from Stainborough Lane is a public right of way (Bridleway 12). A listed building, Woodnook Farmhouse (Grade II), lies 200m to the north.

A temporary log cabin is located on the site granted planning permission for a temporary period for 3 years under 2020/0380 below. A paved patio area and substantial green painted outbuilding which appears to be a substantial summerhouse has also been erected to the rear of the cabin. These are unauthorised.

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 a period of 3 years - Part retrospective granted 13/08/2020.

2016/0321 Proposed agricultural building to house livestock and to store fodder and implements – Permission granted 28/7/2016.

Proposed Development

Planning permission is sought to remove condition 3 of planning permission 2020/0380 which required the temporary 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 (up to 75msqm size) on a permanent basis at Wentworth Grange Farm, Stainborough Lane, Hood Green, Barnsley. The site is occupied by Mr and Mrs Saynor and fulfils the need for 24-hour supervision specifically generated by the livery and stud.

The log cabin is modest in size with two bedrooms, a living room, kitchen, and bathroom. The floorspace of the cabin is slightly less than 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 Mr and Mrs Saynor to remain living on site, in addition to confidential financial information which demonstrates that the business has been has made a profit in the last three years.

Since obtaining consent to live temporarily on site in 2020, the applicant has been able to develop the business to increase the number of horses, both for full livery and stud. In the

last three years, the business has expanded, increasing the number of horses on site from 23 to 32 plus 5 foals which has increased revenue and profitability to become a very successful rural enterprise.

The needs of the equestrian business and the specific types of horses that are on site necessitates 24-hour supervision that can only be provided by living on site.

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 Policies

The site is allocated as in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

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.

Consultation responses

Highways – no objections

Drainage – details to be checked by Building Control

Policy – no comments received

Public Rights of way – no objections, the PROW is not impacted by the proposal

Conservation officer – no objections, the listed building is 200m to the north and screened by another building

Stainborough Parish Council – no comments received

Enforcement – no comments received

Ward Councillors – no comments received.

Representations

The application was publicised by press notice, site notice and by neighbour notification letter. 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.

Functional need

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.

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. The in-foal mares and foals also require 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 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.

The application documents state that the applicant, Mrs Saynor is a highly skilled and experienced equestrian having been in the industry for the last twenty years. She has a long-established equestrian business in Wakefield before moving to Barnsley borough. 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 Mrs Saynor 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.

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 functional 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 and would have a smaller impact than a permanent or larger structure.

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

Agricultural use

The previous application anticipated a 50:50 split between equine use and agricultural use with the land also being used for hay and haylage for use on site and for sale, and sheep. However, it is clear that from the last 3 years accounts that there is no agricultural use of the land, although it is believed that fodder is grown for the horses. This is ancillary to equine use rather than an agricultural use.

Financial test

In terms of the financial test, the applicant has submitted confidential financial information and a document entitled 'Business Plan and Forecasts' which shows that the business is currently financially viable. The provision of on-site accommodation for the applicant would enable the business to become more profitable and sustainable in the long term and it is felt that the financial test is met.

In this case the proposed cabin would be partially taking the place of an existing caravan at the site and would be placed in close proximity to the existing barn. The nearest road is over 400m distant and is screened by substantial vegetation and the lie of the land of the log cabin being cut into the hillside. The cabin is placed within the curtilage of, and very close to the stable building. As such a permanent use of the log cabin would have no greater impact than the very limited impact on the openness of the Green Belt compared to the current situation.

It is considered that the applicant has provided sufficient evidence and very special circumstances to show that there is a firm intention and ability to develop the enterprise concerned, that a functional need can be demonstrated, that there is clear evidence that the proposed enterprise has been planned on a sound financial basis 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 GB5 of the Local Plan and the NPPF.

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 proposed temporary dwelling, it is considered that any permission should be personal to the applicant and any dependents.

Transport/Highways Impacts

It will not be necessary to make any alterations to the current access Arrangements and there is already a substantial parking and turning area, approved under application 2016/0321, for both cars and horseboxes. Clients do not visit the site regularly. No objections have been raised by highways.

The proposal is therefore in accordance with the SPD 'Parking' and Local Plan Policy T4

Residential Amenity

At 75 sqm the proposed temporary dwelling is modest but meets the minimum overall floor area for use for a 2 bed property asset out in the SYRDG. There are no close neighbouring dwellings which would be affected by the proposal. Consequently, on balance, the proposal is found to be in line with Local Plan Policy GD1 relating to general development and residential amenity.

Visual Amenity and impact on openness of Greenbelt

As a general rule, agricultural workers dwellings approved in the Barnsley area range between 100sqm and 150sqm, depending on the functional requirements of the holding. With respect to the size of the accommodation, the NPPF is very restrictive with regards to what it considers to be appropriate development in the Green Belt. It states that residential use is inappropriate development in the greenbelt and very special circumstances(VSC) need to clearly outweigh the harm caused by inappropriateness. The larger the dwelling, the less likely it is that the VSC will outweigh the harm. The functional test has demonstrated that one person is necessary to live on the site and the modest two bedroom permanent dwelling comprising the log cabin would be appropriate for Mrs Saynor and her husband. It is acknowledged that there may be a need for secure documents to be held on site and that Mrs Saynor may need to meet clients, and have an area to change from outdoor clothing.

The cabin is located within the existing yard, close to the barn and share the same access. The cabin is a portable structure with an in built verandah with glazed balustrade of sufficient size for outdoor seating. The structure could be easily removed and dismantled if the business fails or moves elsewhere. It would have a limited curtilage and parking area and as the building is single storey it would have a limited impact upon the openness of the and less impact than a permanent structure Green Belt.

Other issues

The paved patio area and pale green painted outbuilding to the rear of the log cabin are unauthorised. The patio area has additionally been flagged and is clearly being used as outdoor amenity space and domestic curtilage. These two unauthorised elements are domestic paraphernalia and are considered to be inappropriate development in the Green Belt and affect openness through extending into the Green Belt. The justification provided for the patio area is that it was undertaken in order to tidy up the area above the retaining walls. However, the Council is not persuaded by the applicants' argument as other measures could be used to tidy this area without it having the appearance and use as domestic curtilage. A condition is therefore proposed to remove these two unauthorised elements.

Conclusion

The proposal is in accordance with Green Belt policy and its development is unlikely to be detrimental to surrounding residents by way of its location, scale or character. Furthermore,

the change of use of the land and, is likely to improve the appearance of the site and retain the openness of the Green Belt.

Recommendation – Approve with Conditions