

**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, LL Dip 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. During that time, as a British Dressage member, she has competed in affiliated competitions at all levels up to Prix St Georges. She has also competed at the National Dressage Championships at Stoneleigh several times.
- 2.2 The 10 acre site was purchased three years ago. 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:

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

3.2 Advice was sought regarding the conversion of a barn to residential use. However, the planning officer's opinion was that the building could not easily be converted without substantial building works, contrary to policy GS8A.

3.3 At the time of seeking advice, no additional information was submitted to demonstrate that 'very special circumstances' existed.

### **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 will not be necessary to make any alterations to the current access arrangements. There are two separate entrances to the site. 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, as clients are unlikely to visit their horses.

## **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 three 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:

- National Planning Policy Framework (NPPF)
- Barnsley Local Development Framework (LDF) Core Strategy 2011, CSP 21 and CSP 34
- Barnsley Unitary Development Plan (UDP) 2000, Saved Policy GS8B

7.2 The National Planning Policy Framework (NPPF) supports rural enterprise and growth. Section 3 Supporting a prosperous rural economy:

*28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

*● support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*

*● promote the development and diversification of agricultural and other land-based rural businesses;*

*● support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*

*● promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

7.3 Barnsley LDF Core Strategy states:

*CSP 21 Rural Economy*

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

- supports the sustainable diversification and development of the rural economy; or results in the growth of existing businesses; or*
- 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 role 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;*
- protect the best quality agricultural land*

**9.116** *One of our key priorities is to maintain and enhance 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.*

**9.117** *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. The provision of affordable housing in rural areas is considered in Policy CSP16. 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.*

- 7.4 The business supports the local rural economy by purchasing all feed and supplies from local suppliers as well as the services of vets and farriers.
- 7.5 The enterprise will utilise buildings that form development that has been in place for many years rather than creating a need for new development. At least one full-time position will be created initially 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.
- 7.6 The rehabilitation business represents an expansion of an existing business. It is 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.
- 7.7 Section 6 of the NPPF addresses the exception to policy that accepts that there can be special circumstances when a dwelling should be allowed:

*55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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;*

7.8 Barnsley UDP states:

Development within the Green Belt Policy GS8:

*Within the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, unless it is for the following purposes:*

*A) Agricultural or forestry*

*B) Essential facilities for outdoor sport outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*

*C) Replacement of existing dwellings in compliance with Policy GS8E*

7.9 Both the NPPF paragraph 55 and GS8B, 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 9 Protecting Green Belt land:

*87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*88. 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, is clearly outweighed by other considerations.*

7.11 Paragraph 89 sets out exceptions to buildings considered inappropriate:

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

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*

7.12 Barnsley LDF Core Strategy states:

CSP 34 Protection of Green Belt

*9.240 National guidance in PPG2 sets out some uses which are generally accepted in the Green Belt. We will not allow proposals for other types of development unless it can be shown that there are very special circumstances that justify setting aside local and national policy. Cases where there are very special circumstances will only arise on rare occasions. In these cases, we will weigh up the harm that would be caused by allowing development that would not normally be allowed in the countryside against any potential benefits.*

7.13 The livery enterprise falls within ‘outdoor sport and recreation’ and as such is ‘*appropriate development*’; the temporary dwelling is ancillary to the enterprise. Equally, by fulfilling the functional and financial tests, is able to demonstrate ‘*very special circumstances*’ as a result of there being an essential need for a rural worker to live on site.

7.14 The dwelling represents an essential facility that is genuinely required for uses of land. 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 Due to the complexity of rural enterprise dwelling applications they have to be dealt with on an individual basis. In addition, due to the nature of the planning policy, which makes an exception for dwellings in open countryside, each application has to be examined against strict criteria. The principle of allowing isolated homes in the countryside has been accepted with the publication of paragraph 55 of the NPPF which states: *‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...’*

● *the essential need for a rural worker to live permanently at or near their place of work in the countryside;*

7.16 This policy intentionally provided the opportunity for rural business owners to build a dwelling in open countryside subject to certain criteria as set out in section 8: The Functional Test.

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.

## **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 include horses sent for rehabilitation.
- 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 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.

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 Liveries and horses sent by clients for rehabilitation require supervision at all times, creating an essential need for a worker to live on site.
- 8.12 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.
- 8.13 The number of horses on site clearly generates a labour need of at least a full-time worker.
- 8.14 The application complies with the NPPF paragraph 55:

● *the essential need for a rural worker to live permanently at or near their place of work in the countryside;*

## **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 represent 'very special circumstances', which justify a dwelling. The nature of an equestrian business is such that it has to be within a rural location and is appropriate in the countryside.
- 10.2 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 now a well-established livery yard operating with 100% occupancy.
- 10.3 The dwelling will support the provision of livery and rehabilitation services for clients, some of these clients keep horses entirely for sport and recreation.
- 10.4 The provision of livery and rehabilitation services to dressage competition yards fulfils an important role in other rural-based businesses.
- 10.5 The enterprise fulfils the 'functional test'. 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. It is unlikely that clients would send horses for rehabilitation without there was someone on site 24 hours a day.
- 10.6 A successful business has been built over the last three years. 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.

## **11.0 Conclusion**

- 11.1 As a livery business, there is an established functional need for someone to be on site. The expansion of the business will increase the essential need for someone to be on site 24 hours a day.
- 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.