

**Retrospective Planning Application for Hay and Storage Barn at:  
Cat Hill Livery, Cawthorne View, Firs Lane, Cat Hill, Hoylandswaine S36 7JB**

**Prepared by:**

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

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

**[Sally-Ann@equineplanningconsultants.com](mailto:Sally-Ann@equineplanningconsultants.com)  
[www.equineplanningconsultants.com](http://www.equineplanningconsultants.com)**

## **CONTENTS**

**1.0 Introduction**

**2.0 Background**

**3.0 The Site**

**4.0 Planning Policy**

**5.0 Essential Need for Facilities**

**6.0 Conclusion**

## **1.0 Introduction**

- 1.1 A retrospective planning application is being submitted for an open-fronted barn at Cat Hill Livery, Cawthorne View, Firs Lane, Cat Hill, Hoylandswaine on behalf of the owner of the property, Miss Kelly Oxtoby.
- 1.2 I am a rural planning consultant specialising in the commercial equestrian development sector. I hold BSc Equine Welfare with Business Management, LLDP Law degrees 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 Miss Oxtoby purchased the site in September 2015 having previously been a tenant from May 2014. The decision to tenant and subsequently purchase the site was based on its existing use as a livery yard by the owner the previous owner. The facilities, layout and location of the site made it ideal for her to run her own livery business.
- 2.2 Miss Oxtoby moved on to the site and established her business straight away having already obtained livery clients from her dressage contacts within the local equine industry. Miss Oxtoby provides a full livery service.
- 2.3 As the business went from strength to strength Miss Oxtoby decided to purchase the site. She was under the impression that, since there had been a livery yard operation for many years, this was a lawful use. Clearly this should have been identified by the solicitor, as should the fact that the stables and barn did not have permission. Miss Oxtoby operated her business in good faith and did not realise that this was actually an unlawful use.

- 2.4 A Certificate of Lawfulness application was submitted and subsequently granted for the existing use of the site as a livery business together with stabling, a barn and caravan, ancillary to the livery use, in October 2018 under reference 2018/0949.
- 2.5 In September 2015, having actually purchased the site, an additional open-fronted barn was built adjacent to the stables. This couldn't form part of the Certificate of Lawfulness application because it had only been in place for three years. Accordingly, a retrospective application is now being made.

### **3.0 The Site**

- 3.1 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.
- 3.2 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.
- 3.3 The following buildings/structures are on site, now covered by the Certificate of Lawfulness:
- Row of block stabling creating five boxes approx 10ft x 14ft, each with rubber matting and automatic water
  - Barn of block construction, Yorkshire boarding with box profile roof, approx 45ft x 30ft

- Caravan and porta-loo

- Large area of hardstanding adjoining barns to provide parking and turning area

3.4 The remaining structure on site is the open-fronted barn subject of this retrospective application.

3.5 The barn is of steel construction with dark green corrugated sheeting and corrugated roof. The barn measures 45ft x 30ft, 12ft to the eaves with a roof pitch of 15 degrees. The submitted photograph shows that the barn is positioned immediately adjacent to the large barn, which accommodates the stabling. It is open-fronted.

#### **4.0 Planning Policy**

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

- National Planning Policy Framework (NPPF) 2018
- Barnsley Local Development Framework (LDF) Core Strategy 2011, CSP 21 and CSP 34
- Barnsley Unitary Development Plan (UDP) 2000, Saved Policy GS8B

4.2 The National Planning Policy Framework (NPPF) supports rural enterprise and growth. Section 6, Supporting a prosperous rural economy:

83. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

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

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

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

#### 4.3 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.

- 4.4 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.
- 4.5 The livery enterprise utilises buildings that form development that has been in place for many years and provides employment.
- 4.6 Section 13 Protecting Green Belt Land, at Paragraph 145 sets out exceptions to buildings considered inappropriate:

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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

#### 4.7 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.

#### 4.8 The livery enterprise falls within ‘outdoor sport and recreation’ and as such is ‘*appropriate development*’;

#### 4.9 **Development within the Green Belt**

##### Policy GS7

**WITHOUT PREJUDICE AND SUBJECT TO THE APPLICATION OF POLICIES GS8, GS8A, GS8B, GS8C, GS8D, GS8E AND GS9 IN THIS PLAN, DEVELOPMENT WITHIN THE GREEN BELT WILL NOT BE PERMITTED UNLESS IT MAINTAINS THE OPENNESS OF, AND DOES NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN, THE GREEN BELT.**

3.32 In accordance with PPG2 (1995) there will be a presumption against inappropriate development in the Green Belt. New development will be

limited to that which preserves the openness and visual amenities of Green Belt locations and does not conflict with the purposes of including land within it as set out in paragraph 3.29 above. The making of a material change in the use of land or the carrying out of engineering or other operations, need not be considered inappropriate in the Green Belt provided that it preserves openness and does not conflict with the purposes of including land in the Green Belt. A proposal for mineral extraction need not be inappropriate development in the Green Belt, provided that it does not conflict with the purposes of including land in Green Belt and that high environmental standards are maintained and the site is well restored. Mineral working in the Green Belt is covered by the provisions of Policy M9. Various types of building operations are dealt with in the following Policies GS8 and GS8A - E.

#### 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) AGRICULTURE OR FORESTRY**

**B) ESSENTIAL FACILITIES FOR OUTDOOR SPORT OR 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) THE REPLACEMENT OF EXISTING DWELLINGS IN COMPLIANCE WITH POLICY GS8E.**

3.33 In order to preserve the openness of the Green Belt the erection of new buildings will be restricted to those required for specific purposes. Agriculture and forestry will continue to be the main uses in the Green Belt and buildings required for these purposes are not inappropriate. Buildings for essential facilities for the uses specified under purpose (b) above will only be allowed where they are genuinely necessary, kept to a minimum size and of a design appropriate to the area. Existing villages where limited development or infilling will normally be acceptable have been inset from the Green Belt on the proposals map or, in the case of Billingley, specified in the text of Darfield Community Area Volume 8.

- 4.10 The open-fronted barn is positioned immediately adjacent to a building that has been shown, through the issue of the Certificate of Lawfulness application,

to have been on the site for more than twenty years. It is built on existing hardstanding and is well screened from the road by trees, as is the whole site.

- 4.11 The size of the barn is the minimum necessary to enable it to fulfil its purpose, as set out in section 5.0. The design, as an open-fronted barn, enables it to fulfil its purpose for the storage of hay and equipment.
- 4.12 The use of the barn is essential and ancillary to the use of the site for commercial livery. Accordingly, this falls within GS8B '*Essential facilities for outdoor sport or outdoor recreation*' and is, therefore, not inappropriate.

## **5.0 Essential Need for Facilities**

- 5.1 The barn was essential for the storage of the hay produced from the site. Without the newly built barn, the hay would have been spoilt by the rain. It is essential that hay fed to horses is undamaged by rain or damp as it can cause severe respiratory conditions. The requirement for hay by the livery is high. This is because they are stabled for most of the time and graze for restricted periods only.
- 5.2 Consideration was given to the design of the barn, both in terms of its siting within the Green Belt and its proposed function. It was positioned immediately adjacent to the existing barn, rather than opposite, so that the trees would mitigate any impact. It was also constructed of dark green corrugated sheeting. The roof line is slightly below that of the existing barn.
- 5.3 The open-fronted design enables the large quantity of hay to be unloaded and stored more easily. Straw used for bedding for the livery is also stored in the barn. This open-fronted design also enables ease of access, by tractors etc, necessary for the livery business and maintenance of the land. The barn also accommodates a secure store for tack and equipment.

## **6.0 Conclusion**

- 6.1 The barn is ancillary to the lawful use of the site for commercial livery purposes.
- 6.2 Livery falls within 'outdoor sport and recreation' and as such is appropriate development.
- 6.3 The position and design of the barn minimises any impact.
- 6.4 The development represents a relatively small increase in the context of the existing lawful development on the site.
- 6.5 Accordingly, the barn fully complies with planning policy.