Planning Statement

Application for Barn/Turnout Pen at Cat Hill Livery, Cawthorne View, Firs Lane, Cat Hill, Hoylandswaine S36 7JB

Prepared by:

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1.0 Introduction

1.1 A planning application is being submitted for a part open barn/turnout pen 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, LLDip Law degrees 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.

1.3 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 began running the livery business from the site in 2014, firstly as a tenant, and purchased the site in September 2015.

2.2 At the time of purchasing the site Ms Oxtoby believed that all planning permissions were in place. However, on understanding that this was not the case the relevant permissions were applied for in order to regularise all structures, together with the commercial equestrian use of the site for livery use.

2.3 In October 2018 under reference 2018/0949, 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.

2.4 A barn constructed in September 2015 was approved under a retrospective application 2018/1420.

2.5 Subsequently, in January 2020 under planning reference 2019/0250, approval was granted for the siting of a log cabin as a temporary rural enterprise dwelling for three years to support an existing business.

2.6 The equestrian business provides full livery and rehabilitation services for clients' horses.

2.7 Since the temporary dwelling was permitted, the business has been able to expand to increase the number of horses on site and to extend the provision of rehabilitation services to clients' horses.

2.8 An application is now being submitted for an barn/turnout pen.

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:

- 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 with five internal boxes

- Open-fronted barn for storage of hay produced on the holding, bedding etc

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

- Log cabin, as temporary rural enterprise dwelling

4.0 The Proposal

4.1 An application is being submitted for a barn which will serve as a turnout pen for the horses. The south and west elevations will be fully enclosed, with the north and east elevations with half height walls so the horses can easily see out across the field.

4.2 The barn will measure 75ft (22.8ms) x 35ft (10.6m) 12ft (3.6) to the eaves with a roof pitch of 15 degrees. The barn is of steel construction with concrete panels to 3'3 in dark green corrugated sheeting and green corrugated roof.

4.3 One LED light will be positioned at each end of the barn, shining inwards. The lights will only be used during the winter at 7.00am for turning a horse into the barn, and at 5.00pm from bringing a horse back into the stabling.

4.4 The floor will be constructed so as to provide as a safe turnout surface for the horses, comprising a hardcore base with a membrane followed with a woodchip surface.

4.5 The barn is to be positioned immediately adjacent to the yard, within the field. The submitted photograph shows that the land falls beyond the yard, the fencing will be removed so that the barn can be positioned immediately adjacent to the hedge.

4.6 There will be no change to the access. There will be no additional vehicle movements generated by the barn.

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) 2019
- Barnsley Local Plan, Adopted January 2019

5.2 The National Planning Policy Framework (NPPF) supports rural enterprise and growth. Section 6, 'Building a strong, competitive economy'

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.

5.3 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.

5.4 The rural business has been operating since 2014. It supports the local rural economy by purchasing all feed and supplies from local suppliers as well as the services of vets and farriers.

5.5 A full-time position has already been created 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.

5.6 The proposal will facilitate the growth of the existing enterprise but remain sustainable on the site. It will remain relatively small in scale.

5.7 NPPF Section 13. Protecting Green Belt land:

Proposals affecting the Green Belt

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

144. 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.

145. 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;

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.

5.8 Barnsley Local Plan states:

18. Green Belt and Safeguarded Land

18.1 National guidance in the NPPF sets out some uses which are generally acceptable 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. 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.

18.2 The NPPF states at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- Buildings for agriculture and forestry

- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries

- 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

- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces

- Limited infilling in villages, and limited affordable housing for local community needs

- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)

18.3 All such buildings still have to be considered in terms of their impact on the openness of the Green Belt and whether they cause other harm.

18.4 In accordance with the NPPF and as set out in GB1, we will not allow proposals for 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy. As set out in paragraph 88 of the NPPF 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.

5.9 The livery enterprise falls within '*outdoor sport and recreation'* and as such is *'*appropriate development';

5.10 The barn/turnout pen is essential and ancillary to the use of the site for commercial livery and provision of rehabilitation services to clients' horses. Accordingly, this falls within NPPF and the GB1 *'appropriate facilities for outdoor sport, outdoor recreation …'* and is, therefore, not inappropriate.

5.11 The barn, although proposed just outside the designated yard area, will remain in close proximity to the other buildings retaining the appearance of a compact holding that is well-screened, from both the highway and adjacent properties.

5.12 The open-fronted design and size of the barn is the minimum necessary to enable it to fulfil its purpose, as set out in section 6.0.

5.13 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.'.* (NPPF Section 13 paragraph 145 (b))

' not have a greater impact on the openness of the Green Belt than the existing development;' (NPPF Section 13 paragraph 145 (g))

6.0 Essential Need for Facilities

6.1 Since obtaining consent to live on site, the applicant has been able to develop the business to increase the number of horses, both for full livery and rehabilitation. As anticipated, the business is now operating at capacity.

6.2 Having expanded the business to include the provision of rehabilitation services, the need for additional facilities has become apparent. In particular, due to the types of conditions and injuries suffered of horses sent for rehabilitation, there is a need for a safe and enclosed turnout area.

6.3 By safe, this means an area where the horse can be provided with more room to move around than being stabled, but not so much space that they try to move at speed and risk re-injuring themselves. This is a common dilemma with injured horses. It is essential that they move but that the movement is controlled.

6.4 The size of the barn will provide an area big enough to encourage movement but not so big that the horses will be inclined to try to canter of gallop. The overall dimensions will represent half the size of a small riding arena.

6.5 The surface will be constructed so as to be relatively soft to prevent concussion and be non-slip.

6.6 Many rehabilitation cases require regular controlled exercise. The facility of an undercover turnout area will enable the horses to receive exercise without being exposed to severe weather. Horses who have suffered illness rather than injury require exercise but need to be kept warm.

6.7 It will also be helpful in identifying the progress of a particular horse to observe how comfortable it is to put weight on a limb when not being encouraged to move by a handler.

6.8 It will provide a useful area for the vets, physios and farriers to use when carrying out examinations for lameness.

6.9 It will provide a safe enclosed area for the training and 'breaking' of young horses owned by clients. Currently, these horses would have to be moved to another yard.

6.10 The design of the barn is with half open sides to the north and east. This will provide mental stimulation to the horses and enable them to see other horses in the fields. This is important for their welfare.

6.11 Consideration was given to the design of the barn, both in terms of its siting within the Green Belt and its proposed function. It is proposed to construct of dark green corrugated sheeting and green sheeting roof.

6.12 The barn is positioned alongside the perimeter of the yard, within the field and immediately adjacent to the field gateway. There is insufficient space within the yard itself. The level of the land is lower than the hedge on the perimeter of the yard, which will result in the roofline of the barn being lower than the existing buildings when viewed from the north.

7.0 Conclusion

7.1 The barn is ancillary and essential to the lawful use of the site for commercial livery and rehabilitation purposes.

7.2 Livery services fall within ‘outdoor sport and recreation’ and as such it is appropriate development.

7.3 The position and design of the barn is informed by its proposed function but also to minimise any impact.

7.4 The development represents a relatively small increase in the context of the existing development on the site.

7.5 Accordingly, the barn fully complies with local and national planning policy.

Sally-Ann Tinsley BSc, LLDip, PgC Ag Law June 2020