
2019/0250

Ms Kelly Oxtoby

Siting of log cabin as a temporary rural enterprise dwelling for three years to support an existing business

Cat Hill Livery, Cawthorne View, Firs Lane, Cathill, Hoylandswaine, S36 7JB

No representations have been received**Description**

The site, known as Cat Hill Livery, is situated approximately 1.5 miles from the village of Hoylandswaine within the open Green Belt countryside. The local area is characterised by small equestrian sites with stabling and ancillary facilities and agricultural land. The site is owned by the applicant and is currently run as a full livery yard with rehabilitation livery.

The site comprises approximately 10 acres (4 hectares) of pastureland enclosed by post and rail fencing, stock fencing, trees and hedging. The buildings and structures on site consist of a barn of block and steel construction with corrugated roof, an open fronted barn of block construction, a block of 5 stables and a caravan used for non-residential purposes. The structures are set within a courtyard that is well screened from the highway by hedges and trees. There are no residential properties immediately adjacent to the site.

Proposed Development

The application proposes the siting of a temporary dwelling for occupation by a rural worker, Ms Kelly Oxtoby at Cat Hill Livery. The temporary dwelling is required to fulfil the essential need for 24 hour supervision specifically generated by the livery and rehabilitation livery.

The log cabin is modest in size with the two bedrooms, a living room, kitchen, and bathroom. The floorspace of the cabin is approximately 75 square metres. The existing caravan is to be removed and the cabin is to be sited in place of the caravan. The siting of the temporary dwelling is intended to be as close as possible to the stabling to enable it can fulfil its purpose of supervising the horses 24 hours a day.

Planning statements have been submitted during the course of the application outlining the need for Ms Oxtoby to live on the site. The applicant has also submitted confidential financial information and a future business plan outlining the projected forecasts based on the increase in the number of horses kept and rehabilitated at the site. Letters of support have been submitted with the application from the Veterinary Practice that refers the horses to the rehabilitation livery and from the owners of the horses stabled/to be stabled at the site.

The applicant wishes to increase the number of boxes from 5 to 10 at the site to allow for further expansion of the livery and rehabilitation livery. The existing equestrian barn on the site would be fitted internally with adjustable stable partitioning that will enable a total of 10 horses to be stabled on site and a plan has been provided to show the proposed internal works. No external alterations are required.

Planning History

2018/0638 – Temporary rural enterprise dwelling in the form of a log cabin (Withdrawn).

2018/0949 – Certificate of lawfulness for existing use of site as a livery including associated land, stabling, barn and use of caravan for non-residential purposes ancillary to the livery use (Approved).

2018/1420 - Retrospective application for open-fronted hay/storage barn (Approved with conditions).

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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 GB5 allows for temporary agricultural and forestry workers dwellings provided that:

- There is clear evidence of a firm intention and ability to develop the enterprise concerned;
- A functional need can be demonstrated;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis; 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 this will be for a specified temporary period.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development
GD1 General Development
H4 Residential development on small non-allocated sites
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
BIO1 Biodiversity and Geodiversity
Poll1 Pollution Control and Protection

NPPF

The National Planning Policy Framework 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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of relevance to this application would be:

Para 79: 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;

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

Para 145: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....

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.

Consultations

Penistone Town Council – No comments received

Highways – Raised initial queries on the existing access, any increase in staff, and current parking facilities at the site. The applicant has provided confirmation that the existing access would be used, that only one new worker would be required to facilitate the expansion of the business, and that there is space for up to 11 vehicles on the existing site.

Yorkshire Water – No comments

Drainage – No comments received

SYMAS – No objections

Representations

The application has been advertised by way of a site notice and properties within the vicinity have been consulted directly in writing. No comments 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 GB5 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 GB5 requires, clear evidence of 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 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.

The application documents state that the applicant, Ms Kelly Oxtoby is a highly skilled and experienced equestrian having been in the industry for the last twenty years. 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. The 10 acre application site was purchased five years ago, having initially being rented the previous year and traded successfully since that time. 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. A full livery yard was established with the applicant working full time at the site, providing care of clients horses. Clients do not visit the site regularly as Ms Oxtoby provides all the care of the horses. The applicant also provides a rehabilitation livery to horses referred by a Veterinary Practice. Evidence of this has been submitted with a supporting letter from the practice. The Veterinary Practice currently send horses to the livery due to the 24 hour care the applicant is able to provide due to the applicant staying in the existing caravan on site when the horses are sent for rehabilitation. The caravan on site is lawful, however not for a residential use.

The applicant considers that living permanently on the site would improve security and would allow for surveillance at the site as the horses kept on the site are primarily dressage horses and have significant value. The rehabilitation livery also requires 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 rehabilitation livery and 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. As the applicant Ms Kelly Oxtoby 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.

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.

In terms of the future development of the site, the applicant wishes secure the future of the business and to expand in order to optimise the site and increase the level of profitability. 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. The applicant also wishes to increase the number of boxes from 5 to 10 at the site to allow for further expansion of the livery and rehabilitation livery. The current barn which has an equestrian use, would be fitted with adjustable internal stable partitioning which will enable a total of 10 horses to be stabled on site. It is anticipated that there

will be a 50:50 split between livery and rehabilitation. The infrastructure required to accommodate the horses is already in place and no additional barns are required. The forecasts have been conservatively prepared at 85% occupancy of 9 boxes. Evidence has also been submitted from clients who have confirmed that they will send their horses once 24-hour supervision is in place. The applicant is agreeable to a pre-commencement condition to install the stable partitioning, to create the additional 5 boxes, prior to living on site.

In terms of the financial test, the applicant has submitted confidential financial information which shows that the business is currently financially viable. The current business is profitable however the 24 hour supervision will enable the level of profitability to be increased substantially by the number of vet referrals and dressage horses being stabled at the site. The applicant has submitted a 'Business Plan and Forecasts'. This sets out the way in which the enterprise will be able to develop over the next three years outlining the projected forecasts based on the increase in the number of horses kept and rehabilitated at the site. 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.

As this is a relatively new business, it is more difficult to apply the financial test fully therefore a temporary dwelling is appropriate in this case and will enable the business to further prove its viability and eventually apply for a permanent dwelling if the need can be met. If this cannot be met then the temporary building on site can be dismantled and the land returned to its original state after 3 years.

Whilst not the main argument for justification in this case, it is also noted that the site has an established use as a livery, through the granted Certificate of Lawfulness, which would mean the site could be classed as previously developed land. Paragraph 145 of the NPPF allows for limited infilling and partial re-development of brownfield land within the Green Belt provided it does not have a greater impact on the openness of the Green Belt. 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 barns. To the south of the site the views from the nearest road are screened by existing substantial tree planting. As such there would be very limited impact on the openness of the Green Belt compared to the current situation

Notwithstanding the issue of previously developed land, 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.

Visual Amenity

The size of the dwelling is considered acceptable at approximately 75sqm. 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. The temporary dwelling would therefore provide suitable living accommodation for the applicant without being excessive in size.

The proposed cabin is small in scale, would replace an existing lawful caravan which would improve the appearance of the site. The cabin is sited within the existing livery yard, close to other buildings and shares the same access. The dwelling is a simple portable structure which can be easily removed and dismantled. The dwelling 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 Green Belt. If after 3 years, the business cannot prove that a more permanent dwelling is needed, then the temporary building can be removed and the land returned to its original state. The proposal is

therefore considered acceptable in terms of visual amenity and impact upon openness of the Green Belt when measured against policies D1 and GB5 of the Local Plan.

Residential Amenity

There are no existing properties within close proximity of the proposed dwelling. As such the proposal would not be detrimental to neighbouring amenities.

Highway Safety

In terms of highway safety, the addition of this small cabin for the applicant is not considered to generate any significant traffic movements. Parking is provided next to the dwelling and the proposal will be able to utilise the existing access.

Given the nature of the business and proposal put forward, it is not necessary to make any alterations to the current access arrangements. 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 applicant has indicated that it is likely that only one additional worker may be needed at the site but this is unlikely to generate any significant increase in traffic movements. The expansion of the enterprise and proposed log cabin is not expected to lead to a significant increase in vehicle movements in accordance with Local Plan Policy T4.

Conclusion

The proposal is to provide a temporary rural workers dwelling for the applicant and has been assessed against relevant policies of the Local Plan and the NPPF. Sufficient information has been provided to demonstrate that the temporary dwelling is required to support the rural enterprise. No other dwellings are available in the immediate area and the siting, scale and design of the dwelling is commensurate with the need. The applicant has also provided evidence to show that the business is planned on a sound financial basis.

As the applicant Ms Kelly Oxtoby 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 in accordance with Local Plan Policy GB5. The proposal is therefore considered to meet relevant local and national planning policies and as such is recommended for approval.

Recommendation

Grant for a temporary period of 3 years subject to conditions:-

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Received 28th February 2019) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 2 The occupation of the temporary dwelling hereby permitted shall be limited to Kelly Oxtoby and any dependants.
Reason: Owing to the special circumstances of the applicant.

3 Prior to the occupation of the temporary dwelling, the stable partitioning should be installed within the existing barn in line with the proposed stable layout plan submitted on the 11th November 2019.

Reason: To ensure that the additional facilities are provided in line with the submitted business plan and in order to show an intention to expand the business in accordance with Local Plan Policy GB5.

4 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.

5 Prior to the log cabin being placed on the site the existing caravan shall be totally removed from the site and not replaced elsewhere within the site.

Reason: In the interests of the open character of the Green Belt in accordance with Local Plan Policy GB1 and GB5

PA Reference:-

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