

**Stansted Downs**                      **560299 162236**                      **4 April 2007**                      **TM/07/00973/FL**

Proposal:                      Stationing of twin unit mobile home to support the existing horse livery business including installation of cesspool (retrospective)

Location:                      Oaktree Farm Hatham Green Lane Stansted Sevenoaks Kent TN15 7PL

Applicant:                      Mr + Mrs Aldrich

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**1. Description:**

- 1.1 This application seeks permission for the stationing of a twin unit mobile home, there already being a single unit mobile home on the site. Foul water drainage is to a cesspool.
- 1.2 Both the applicants reside on the site but it is Mrs Aldrich whose role it is to provide 24 hour care for the liveried horses which currently number 20 in total. The application is accompanied by a veterinary report which stresses the general importance of an on-site presence, particularly to deal with colic and when horses are "cast". The supporting statement also details that on-site accommodation is needed to allow checks on horses throughout the day and night, to deal with fires and to deter petty thefts, malicious attacks and/or arson.
- 1.3 A business plan has been submitted which shows a relatively low net income in year 1 increasing in subsequent years due to the intention to increase the number of serviced liveries and increase the charges that it is stated will be justified as a result of the ongoing refurbishment works etc.
- 1.4 The application is also accompanied by a series of appeal decisions which it is argued establish that on-site residential accommodation to serve horse related businesses such as liveries and riding schools can be permitted in the Green Belt on the basis of a case of "very special circumstances", and giving appropriate weight to the advice set out in PPS7.
- 1.5 The supporting statement indicates that if the livery business becomes established sufficiently to justify a house, a modest dwelling is envisaged.

**2. The Site:**

- 2.1 The application site is in the MGB and SLA. It lies on a Water Gathering Area. A PROW runs along the western boundary.
- 2.2 The application site is an established livery which gained a lawful development certificate for private livery use (23 stables) granted in 2005. At that time it was connected with the adjacent farmhouse but has since been sold off separately to the applicants.

- 2.3 The applicants purchased the site in March 2006 and have changed the livery to include more serviced liveries and fewer private (i.e. DIY) liveries.
- 2.4 It comprises a series of former farm buildings, mostly of blockwork with corrugated sheeted walls and roofs. There are associated tack rooms and barns for hay and straw.
- 2.5 There is an associated sand school and grazing.
- 2.6 An area at the rear of the site already contains a mobile home. This mobile home is not visible from the front entrance of the livery yard, being screened by the livery buildings.
- 2.7 The mobile home is sited next to a PROW, screened from it by the erection of 2m high close board fencing with trellis above. The mobile home is fenced with post and rail and has a small amenity area and small garden shed.
- 2.8 The application is to install a twin unit mobile home which is to be in an "L" shape and will cover a greater ancillary residential area than that in situ.

### **3. Planning History:**

TM/05/01379/LDCE Certified

16 June 2005

Lawful Development Certificate Existing: Use of Agricultural Buildings (1, 2, 3, 6, 10 and 11) for private livery use (stables and tack room)

### **4. Consultees:**

- 4.1 PC: No comments.
- 4.2 KCC (Highways): No objections.
- 4.3 Southern Water: No comments.
- 4.4 EA: The site lies on a SPZII and potable supplies are at risk from activities at the site. A condition is necessary to require a scheme for the disposal of stable waste etc.

A cesspool should only be supported if connection to the main foul sewer or septic tank is not possible.

- 4.5 Council's Agricultural Consultant: This application relates to a former pig farm that is now an approved equestrian unit which the applicants purchased in March 2006. It extends to some 44 acres (17.8 ha) and includes a total of 22 stables,

which are now fully used, for 20 liveryes and the owner's own 2 horses. There is also a general workshop, a 3-bay hay storage barn with lean-tos, and a further large general storage barn and attached lean-to. There are also smaller stores for tack etc.

The livery yard is in an attractive location, on undulating Kent downland, with hacking-out facilities nearby, as well as having a fair amount of its own land potentially available for riding and exercising the horses. A few cattle (belonging to a local farm) are also kept, but the applicants wish to encourage more grass liveryes instead.

It is understood that the previous owner ran a fairly low-key livery enterprise with only about 13 DIY liveryes that were charged a low rent, hence it only showed a small annual profit. Under the new management, following improvements to the buildings, and fencing (assisted by her husband) Mrs Aldrich is working full-time in developing the business and attracting additional work (and income) for herself providing more services for horse owners on a partially assisted livery basis.

Under the new, more "hands on" management, it is understood that the gross livery income is already approaching about £2000 a month, and this appears to be a good indication that the submitted business plan over the next 3 years will be potentially achievable. This predicts that gross profit, including liveryes, grazing income, single farm payments, and hay and straw sales, should rise to about £40,000, and net profit after overheads, depreciation and loan interest, to about £23,000. This should be sufficient to provide an adequate return to the occupier's labour and to finance a permanent dwelling, provided it is relatively modest and inexpensive.

I would advise, therefore, that the scale and nature of the enterprise, and the improved and expanding provision of equestrian services to be provided on the premises as referred to above, represent a sufficiently sound venture in principle to warrant the provision of temporary accommodation along the lines contemplated in para 12 of Annex A of PPS7.

In terms of functional need to reside on site, I would agree with the various submissions made on behalf of the applicants that a responsible person should be on hand at most times, essentially within sight and sound of the stabled horses, so as to be aware of any emergencies arising with the horses out of normal hours and overnight. For example, a horse may be taken suddenly ill with colic or become cast in a stable.

The presence of a responsible person is an important consideration for liveried horses belonging to other owners, who would want to ensure that their animals received the best attention when left on site, as well as there being general security for valuable horses and equipment.

It is also relevant for Health and Safety purposes that someone is available to assist out of normal hours in the event, for example, of any visiting owner/rider having an accident in or near the stables, and to be alert to any fire risk.

I consider, therefore, that the provision of suitable accommodation on site would meet the functional test in relation to rural bases enterprises as set out in Annex A of PPS7.

This need (albeit relating to a lower-key enterprise) was last met to a degree previously by the former owner who resided in the nearby Hatham Green Cottage but that was retained on the sale, and I understand it did not have any agricultural or other occupational restriction. Realistically, other unrestricted local dwellings appear likely to be too expensive to be affordable by this business, even when available on the market.

In conclusion, therefore, I consider the relevant tests for temporary rural-based enterprise accommodation as set out in Annex A of PPS7, to be met in this instance.

- 4.6 Private Reps + Departure Site and Press Notice (3/0R/1X/0S). One resident has written in to request that any permission be temporary for 2-3 years with planning permission having to be renewed at the end of that period.

**5. Determining Issues:**

- 5.1 The main issue is the acceptability in principle of a residential use in the countryside and Green Belt where new dwellings would not normally be permitted.
- 5.2 The stationing of a residential caravan to serve a livery use does not fall into any of the categories of development that are appropriate in the MGB. A case of very special circumstances would need to be demonstrated to justify the harm to the Green Belt from the inappropriateness and any other harm.
- 5.3 However, in terms of the policy with regard to the countryside location, in PPS7 (Sustainable Development in Rural Areas) published in 2004, the previous special case enjoyed for agricultural and forestry dwellings in the countryside has been widened to include other types of occupational dwellings where the nature and demands of the work make it essential for the people engaged in the enterprise to live at or very close to the site of their work. This is to be assessed on a case by case basis, dependent upon the need of the enterprise concerned and subject to a financial and functional test (as indeed has always been the case with the determination of applications for agricultural or forestry dwellings).

- 5.4 The change in national policy since 2004 has been incorporated in KMSp policy HP5 and the Council's LDF Core strategy Policy CP15 which allows the principle of a single dwelling for a worker where a rural location at or in the immediate vicinity of a place of work is essential.
- 5.5 In this particular case, the functional need is stated to be as follows:
- A person close at hand is needed to regularly check horses for signs of colic or when they have become "cast" (unable to stand up after lying down)
  - To deter malicious attacks on horses
  - To deter arson attempts
  - To deter petty thefts, especially due to the presence of the public footpath adjacent
- 5.6 The financial justification is that the business is projected to become established as follows:
- Net profit in year 1 of £10,347
  - Net profit in year 2 of £17,799
  - Net profit in year 3 of £23,440
- 5.7 In terms of security, PPS7 advises that livestock may have to be protected from theft or injury by intruders, although this is not sufficient justification on its own for an on-site dwelling. Clearly, security increases in weight as a material consideration where the livery is near a built-up area or the horses kept are particularly valuable, neither of which appear to be the case in this particular application.
- 5.8 In terms of deterrence of theft, arson and malicious attacks I am not convinced that the mobile home is well suited to this deterrent function as it is not visible from the public highway and it is clear that there were petty thefts even when the livery was connected in occupation to the host farmhouse which was next to the site entrance. There is no clear evidence that adequate security could not be provided by intruder alarm systems and CCTV schemes.
- 5.9 The remaining issue in terms of the essential need for on-site residential presence is the health and welfare of the 20 or so liveried horses on the site and any horse owned by the applicants themselves. Appeal decisions submitted by the applicants' agent indicate that some Inspectors have supported this as justification of functional need. However, it is also the case that other Inspectors have been unconvinced that the incidence of cases of colic or of horses becoming cast in a livery of this size warrants a worker to be on hand at all times of the day and night.

Members will note that the Council's agricultural consultant is of the view that the provision of suitable accommodation on site would meet the functional test in relation to a rural based enterprise as set out in Annex A of PPS7.

- 5.10 Whilst Members will therefore note that the functional need for this type of livery of this scale is not universally accepted by Inspectors, on the basis of the conclusion on this matter from the Council's agricultural consultant, I am of the view that this part of the requirement of PPS7 appears to be met at this point in time. However, this will need to be reviewed at the time of any future application for renewal of a temporary planning permission, based upon a reassessment of the matter and in the light of any more established position in terms of case law.
- 5.11 The financial justification is considered to be of some merit but at this early stage, it is projections mainly based upon expanding serviced liveries compared to DIY liveries and adding grass liveries. In the event that Members are minded to permit the application, a temporary consent of 3 years would be suggested to allow for audited accounts to be submitted as firm financial justification for any continuing residential presence.
- 5.12 The EA raises concerns over drainage of the site due to the location on a Water Gathering Area. However, from a planning point of view, a condition requiring approval of such details can only be required in connection with the mobile home as the equestrian use that accords with the LDCE is already lawful and not part of the application now being determined.

## **6. Recommendation:**

- 6.1 **Grant Planning Permission** as detailed by Letter dated 04.04.2007, Report dated 20.03.2007, Site Plan dated 20.03.2007, Location Plan received 20.03.2007, subject to the following conditions:

- 1 The use for which permission is granted shall cease, the caravan(s) shall be removed and the land shall be restored to its original condition on or before 31.07.2010.

Reason: In order that the Local Planning Authority may review the continuing justification for residential presence on the site in the light of the needs and operation of the enterprise and the "very special circumstances" that have been put forward.

- 2 No caravans shall be located on the site other than in the positions shown on the approved plan or as may be agreed previously in writing by the Local Planning Authority.

Reason: To avoid harm to the character and appearance of the area.

- 3 The occupation of the caravan shall be limited to a person solely or mainly employed, or last employed, by the equestrian business being operated from the site or dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the caravan is outside any area in which development would normally be permitted were it not required for occupation by a person employed locally in a rural based enterprise.

- 4 Within 1 month of this permission, details of foul and surface water drainage serving the caravan shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with those details within 2 months of approval.

Reason: To prevent pollution of the water environment.

### **Informative**

- 1 You are advised that references in the Business Plan to additional stables and an all weather sand school will require planning permission as the Lawful Development Certificate is for 23 stables only.

Contact: Marion Geary