

APPLICATION REPORT – 17/00940/OUT

Validation Date: 25 September 2017

Ward: Lostock

Type of Application: Outline Planning

Proposal: Outline planning application for a rural worker's dwelling (all matters reserved)

Location: Land 70M South Of Garstang Farm Ulnes Walton Lane Ulnes Walton

Case Officer: Mr Iain Crossland

Applicant: Mr John Barlow

Agent: Mr Robert Harrison

Consultation expiry: 24 November 2017

Decision due by: 22 June 2018

UPDATE REPORT

1. The recommendation remains to refuse planning permission.
2. Members will recall that this application was deferred at the Development Control Committee meeting held on 19 June 2018 to allow time for Members to visit the site, and for additional information to be considered. The original committee report from 19 June 2018 follows on below.
3. The applicant's agent stated at the previous committee meeting that the applicant would not be able to secure insurance for his horses without having a permanent presence on the site.
4. Additional information has since been provided by the applicant. This sets out that the applicant already has an established business, which he intends to develop through the addition of higher value animals. This will increase the risk and insurance liability to the business. The applicant is currently exploring insurance options and has provided evidence that states in particular:

d) failure by the INSURED his family, representatives, agents, employees, bailees or other persons who have care, custody or control of the HORSE to provide proper care and attention for the HORSE at all times;
5. The applicant contends that it is impossible to provide that care and attention at all times without living on site and that without being able to do so this clause in the insurance schedule could not be met.
6. This is not considered to demonstrate a very special circumstance as providing proper care and attention for the animals at all times does not necessitate the need to live on site and be in the permanent presence of the animals at all times. The schedule does not specify a necessity to live on-site and there are other methods by which horses can be monitored during the less critical periods of time for the business. The applicant lives approximately 325m from the site, which ADAS have advised provides adequate proximity in terms of the ability to respond to the needs of the business and horses in the care of the applicant.

7. A further piece of evidence in the form of a quote for the insurance of embryos has also been provided. This states that pregnant mares have to be under daily surveillance for the insurance to be effective. This is not considered to demonstrate a very special circumstance as ADAS consider that daily surveillance is possible from the applicant's present dwelling approximately 325m from the site.
 8. The applicant and his agent contend that the Council's expert advisor ADAS has misunderstood the applicant's case and does not have the necessary skills to adequately advise the Council. ADAS have confirmed that their consulting officer on this application was Geoff Fairfoull, who has a BSc (Hons) Agriculture with Agricultural Economics, Post-Graduate Diploma in Equine Studies, is a Fellow of the British Institute of Agricultural Consultants (FBIAC) and member of the British Horse Society and has experience across a range of equestrian activities although not specifically the breeding of horses.
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PREVIOUS REPORT

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site is located within the Green Belt, immediately to the west of Ulnes Walton Lane in a rural part of the Borough. It comprises an area of grass paddock between the highway and equestrian buildings to the west, and forms part of the applicant's equestrian property.
3. The character of the area is largely open agricultural land with sporadic dwellings and agricultural buildings. The topography of the area is generally flat. There is an extensive developed area comprising a prison complex and housing estate approximately 300m to the west and the settlement area of Leyland is approximately 700m to the north.
4. The application site is accessed directly off Ulnes Walton Lane via an existing track, which also serves the equestrian yard. The applicant owns 5.123 hectares (12.658 acres) of grassland to the west of the application site and a further 40 acres or thereabouts, which lies between Ulnes Walton Lane and Leyland Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks outline planning permission, with all matters reserved, for a rural worker's dwelling. The dwelling would be located to the east of an existing equestrian enterprise on land between Ulnes Walton Lane and the equestrian buildings. It is intended that vehicular access would be taken from the existing access track from Ulnes Walton Lane.
6. The application has been submitted on the basis that the applicant considers it necessary to reside permanently on the equestrian site for the proper functioning of the equestrian business.

APPLICANT'S CASE

7. The applicant has been breeding sport horses (dressage and show jumping) since 2002. Shortly after planning permission was granted in 2004 the applicant erected the equestrian

yard on the application site and planning permission was granted in 2006 for an extension to the stables. The current facilities comprise 13 stables, loose box stabling, a purpose built laboratory and a manege. The site also benefits from planning permission for a horse walker and muck midden, which the applicant intends to construct shortly.

8. For reasons specified in a previous planning application (ref. 11/00369/FUL) the applicant applied for a temporary dwelling on the application site to enable him to continue to operate and expand his business, which had been established 7 years earlier. The applicant was seeking to expand his equestrian business and change the breeding programme to increase the viability of the established equestrian business.
9. The basis of the business would remain unchanged (i.e. breeding and selling horses) but the applicant, as he did in 2011, intends to increase the number of breeding mares and be able to retain youngstock to rear and sell. The offspring would be kept and reared rather than sold as foals, in particular colts, once weaned. The intention is to retain, rear and train the foals and sell them at 3 or 4 years of age once backed (training the horse to allow a person to ride it quietly) and schooled. This is more profitable but requires the applicant to reside onsite.
10. The application for a temporary dwelling in 2011 was accompanied by an independent appraisal prepared by Sally-Ann Tinsley BSc, LLDP, Equine Commercial-Legal, on behalf of the applicant. The application was refused by Chorley Council on the basis of a report prepared by Lancashire County Council (LCC). This report concluded the following:
 11. LCC accepted that managing the colts (young male horses) would be a factor to support the functional need of the business for a dwelling but there was no proposal to increase the built facilities on the application site and LCC queried the applicant's ability to increase headage and retain the youngstock without additional facilities and, therefore, this, in their opinion, did not support the applicant's contention that he needed to reside on site. In essence, the applicant was unable to carry out the expansion which created the need for him to reside on site.
 12. The applicant resided approximately 200m from the application and LCC felt the applicant was already 'close at hand' to manage the business effectively.
 13. Since 2011 the applicant has made further financial investment in his equestrian facilities. The applicant has increased the number of stables and erected a storage building. Furthermore, planning permission has been secured for a horse walker and muck midden.
 14. Due to the constraints of not having a residence onsite the applicants current horse numbers are:
 - 7 breeding mares in foal
 - 2 youngsters
 - 5 youngsters were sold in 2016 for a combined value of £22,000
 15. It is the intention of the applicant to build the breeding mares up to 12-15 (i.e. the capacity of the existing stabling facilities) but eventually increase the number of breeding mares to 20 and produce offspring which instead of been sold shortly after weaning would be retained and sold at 3 and 4 years of age fully backed and schooled. This is likely to require a further planning application for additional stabling. This is more profitable business model but it is essential that the applicant to resides onsite to properly manage the proposed breeding/rearing system.

REPRESENTATIONS

16. One letter of support has been received.

CONSULTATIONS

17. Ulnes Walton Parish Council: Have objected to this application on the grounds that it represents inappropriate development in the Green Belt

18. Case study presented in support of recent applications (17/00621/FUL and 17/00854/FUL - Back House Farm, Hall Lane, Mawdesley) drew attention to the fact that horses cannot be regarded as livestock and keeping them is not agriculture. As this application is connected to an equestrian use of the site, the Parish Council is of the opinion this application should not be considered under Policy HS10 (Agricultural Worker's Dwellings in the Countryside), instead it falls under Policy HS7 (Rural Infilling). This application fails to satisfy any of the requirements of HS7.
19. ADAS Ltd: It is considered that due to the applicant and the main worker for this enterprise residing within a distance of 325 metres to the equestrian business, that this provides appropriate accommodation, which is adequate to serve the needs of the equestrian enterprise and that the applicant should examine providing a sitting up room to ensure they or any stable hands have adequate welfare facilities for when the mares are foaling.

PLANNING CONSIDERATIONS

Principle of development

20. The Framework is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 28 that Local Authorities 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 and promote the development and diversification of agricultural and other land based rural enterprises*. It is proposed that a dwelling is required on the site of an equestrian stud in order to support the expansion of the enterprise.
21. Support for rural businesses is reflected in the Central Lancashire Core Strategy policy 13, with the caveat that such proposal should not undermine the purposes of the Green Belt.
22. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
23. National guidance on Green Belt is contained in Chapter 9 of the Framework, which states:
- 79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*
- 80. Green Belt serves five purposes:*
- *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban 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.*
- 89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
- *buildings for agriculture and forestry;*

- *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;*
- *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 under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

24. The site is currently open pasture land with no buildings or development in situ. The proposed development is for a dwellinghouse, for the applicant to reside on site to properly manage the proposed breeding/rearing system. Such a development does not fall within any of the exceptions to inappropriate development in the Green Belt set out at paragraph 89. The proposed development must, therefore, be considered inappropriate, which is harmful by definition, and to which substantial weight must be attached.

25. As it has been established, the development would result in definitional harm to the Green Belt, and any other harm caused by the development must also be considered and added to the definitional harm.

26. There are five purposes of the Green Belt as set out in the Framework:

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- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

27. Considering each in turn:

28. Purpose 1 (to check the unrestricted sprawl of large built-up areas)

The application site is located in a relatively isolated location, away from any large built up areas. It is not considered the application proposal represents unrestricted urban sprawl of a large built-up area.

29. Purpose 2 (to prevent neighbouring towns merging into one another)

The development of the site would not result in neighbouring towns merging into one another.

30. Purpose 3 (to assist in safeguarding the countryside from encroachment)

The development of the application site would result in development encroaching into the countryside as the proposed building would be developed within an area of open grassland pasture. This would result in an incursion of built form within an undeveloped part of the Green Belt.

31. Purpose 4 (preserve the setting and special character of historic towns)

The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.

32. Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)

This purpose does not apply as an urban area would not be a realistic alternative for the

proposed development.

33. On the basis of the above, it is considered that there would be other harm to the Green Belt caused by the harm to purpose 3 of including land in the Green Belt, as the proposed development would result in a degree of encroachment into the countryside.

34. As the proposed development would result in definitional harm to the Green Belt and other harm through encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Appearance and visual impact

35. The application is in outline only, therefore, no details of the proposed dwelling exist at this time. The location is immediately adjacent to Ulmes Walton Lane and a two storey dwelling in this location is likely to be visible and fairly prominent from the highway. As a result there would be a visual impact, resulting in some moderate visual harm through adding a building of domestic character to an otherwise open area of land.

Green Belt balancing exercise

36. It has been established that there would be definitional harm to the Green Belt as the proposal involves inappropriate development in the Green Belt and there is considered to be other harm to one of the purposes of including land in the Green Belt, caused by encroachment into the countryside.

37. It is also considered that there would be further harm in terms of visual impact.

38. Policy HS10 of the Chorley Local Plan 2012-2026 relates to agricultural worker's dwellings in the countryside and covers circumstances where accommodation is required to enable agriculture, horticulture, forestry or other rural based enterprises. It is considered that equestrian stud enterprises are most appropriately situated in rural areas and are a rural based enterprise for the purposes of this policy.

39. This policy states that outside the defined settlements and existing urban areas shown on the Policies Map, the erection of a new dwelling will only be permitted when accommodation is required to enable agriculture, horticulture, forestry (or other rural based enterprise) workers to live at, or in the immediate vicinity of, their place of work.

40. The policy does not refer directly to the Green Belt, and does not override the national policy situation in relation to Green Belts, as set out in the Framework. It does, however, provide a useful framework by which the circumstances advanced in support of a rural worker's dwelling may be assessed. In the case of the current application the criteria set out under policy HS10 a) should be followed as set out below:

a) New permanent dwellings will be allowed to support existing agricultural or forestry activities in well-established agricultural or forestry units provided that:

i. There is a clearly established functional need;

The case for the worker's dwelling on site has been provided by the client. The principle of their equestrian business generating sufficient business has been established.

ii. The functional need relates to a full time worker or one primarily employed in agriculture, forestry or rural based enterprise activities;

The functional requirement that has been identified is being met by the existing dwelling, which is located within 325 metres to the stables site.

iii. The unit and the agricultural or forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

The information submitted by the applicant reveals that the business has been operating for a period of 16 years. No detailed accounts have been examined.

iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available;

In the supporting information it is stated that the applicant lives 325m away from the application site. The Council is advised by ADAS that this is not a particularly large distance that would significantly impact the viability of the equine enterprise. Therefore, the existing dwelling is considered to fulfil this need.

and;

v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.

The proposed dwelling would be sited against the backdrop of agricultural related buildings and low level equestrian stables. The site is located between the existing buildings and the highway, and given the flat topography and trees would not be visible from long distance views. The positioning of the proposed dwelling would not therefore detract from the local character.

41. The main issue in this instance is the fact that the applicants reside within a distance of 325 metres of their equestrian business, therefore it is considered that this distance is sufficient for the monitoring of the horses. It is considered that issues regarding security can be sufficiently addressed by appropriate CCTV equipment and infra-red night vision devices to ensure that adequate vision is provided when it is dark.
42. The applicant's agent makes reference to the need for an on-site presence for the foaling of the mares. It is accepted that an on-site presence is required for this purpose, however, ADAS advise that it is generally expected that a stable hand would know when a mare is to foal, therefore ADAS advise that a sitting up room for staff to use during these instances would be justified, which would avert the need for a dwelling to be located on site.
43. Although it is recognised that the proposed development may enable an existing agricultural enterprise to expand, it is not considered that a new dwelling on the site is necessary to facilitate the expansion of the business, given that the applicant lives 325m away from the site at present.
44. As such it is not considered that the matters set out in support of a new dwelling at the site amount to the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment, which must be accorded substantial weight in line with the Framework, in addition to the other harm generated in relation to the visual impact.

CONCLUSION

45. The proposed dwelling would be inappropriate development in the Green Belt and would result in other harm to the Green Belt through the degree of encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. It is therefore recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 03/00640/FUL **Decision:** PERFPP **Decision Date:** 16 February 2004

Description: Creation of horse breeding enterprise, entailing erection of stables and associated yard and sand paddock,

Ref: 05/00141/INV **Decision:** APPVAL **Decision Date:**

Description: Extension to existing stables, external lighting to sand paddock (4 No lights 5 metre mounting height)

Ref: 05/00510/FUL **Decision:** PERFPP **Decision Date:** 18 January 2006
Description: Extension to existing stable block

Ref: 11/00369/FUL **Decision:** REFFPP **Decision Date:** 6 October 2011
Description: Application for temporary (3 years) siting of a log cabin for use as an occupational dwelling.

Ref: 12/00684/FUL **Decision:** PERFPP **Decision Date:** 29 November 2012
Description: Erection of stable building containing 3 No. stables, erection of 1 No. horse walker and erection of 1No. storage building

Ref: 13/00246/FUL **Decision:** PERFPP **Decision Date:** 14 June 2013
Description: Application (under S.73 of the T_CPA 1990) for the variation of condition no. 1 of planning permission no. 12/00684/FUL (which permitted the erection of stable building containing 3 No. stables, erection of 1 No. horse walker and erection of 1No. storage building) to enable the height of the storage building to be increased

Ref: 17/00531/FUL **Decision:** PERFPP **Decision Date:** 7 August 2017
Description: Construction of a muck midden.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.