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A site visit has been arranged for 12.00 prior to the meeting.

2.0 **THE APPLICATION**

2.1 This application seeks outline planning consent for the erection of a dwelling, garaging, and access track at Sedgeway Equestrian centre. All matters except access are reserved for future determination. Indicative layout and illustrative elevational drawings have been provided to indicate the form and scale of the proposed development. The property would be sited some 160m north-west of the equestrian centre within an area currently used as paddock land. Submitted plans show the proposed access to the site leading off from the existing access to the Equestrian Centre, which is served by an access road extending from the Sedgeway Business Park. The application states that the proposed dwelling is required to have a floor area of approximately 230 sqm. The indicative drawings show a single storey dwelling of 21.6m in width x up to 13.3m in depth. The indicative height is shown as 5.8m and the accommodation would comprise of a lounge, utility, kitchen/diner, bathroom, students study, a master bedroom with en-suite and 2 further bedrooms.

3.0 **THE APPLICANT'S CASE**

3.1 The applicant's case as set out in the Planning, Design and Access Statement can be viewed on-line on the ECDC Public Access at the following link. <http://pa.eastcambs.gov.uk/online-applications/> Alternatively, it can be viewed on the application file. The application is accompanied by letters of support from a local veterinary practice, the British Horse Society, the Police, and a list of recent crime reports in the area, and a confidential financial report.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located in the open countryside, to the north of the A142 Sutton Road, between the road and Sedgeway Business Park. It is close to the village of Witchford. There are open fields to the east, and north and fields and orchards to the west, many of which are bordered by trees and hedgerows. To the north east is Sedgeway Business Park which comprises three large buildings and several small units contained within a single storey building. The site is to the north west of the Equestrian Centre, which comprises a car park, outside manege, a large barn with an extension, which contains an indoor riding area cafeteria facilities, and a lecture room, and stables within another adjacent barn. There are further stables closer to the A142 in the south west corner of the site which serve the livery business. The site is currently used as paddock land with 44 acres of grazing land.

5.0 **PLANNING HISTORY**

5.1

00/00657/FUL	Proposed demolition of farm building and construct a stable block on existing foundations, clad walls of adjacent portal frame building to create equestrian centre	Approved	08.01.2001
01/00773/FUL	Convert apple store into stables and change of use of land to equestrian centre	Approved	14.09.2001
02/00147/FUL	Lecture room attached to the indoor riding school and provision of a temporary portakabin classroom and all weather riding surface.	Approved	04.04.2002
04/00311/FUL	Extension to indoor riding school	Approved	17.05.2004
07/00551/FUL	Additional 8 No stables.	Approved	02.07.2007

6.0 **REPLIES TO CONSULTATIONS**

- 6.1 Site notice posted and 4 nearby business premises notified. No comments received.
- 6.2 Ward Councillor: Cllr Pauline Wilson: (*summarised*) The concerns of the Parish Council can be addressed by planning condition – i.e. ensuring the dwelling is tied to the equestrian use. The centre has 31 horses, 8 of which are in livery and have to be looked after 24/7. Additionally there are 2 brood mares and the owner needs to be on hand at foaling times. There are also two pupils, who require accommodation for training purposes. In the event of a fire, although the owner is 12 minutes away, this could prove fatal for some horses. If living on site the alarm would be raised immediately and horses attended to straight away. The present arrangement is not satisfactory for the welfare of the horses. There is also the issue of colic and the welfare of the 8 horses in livery. The application should be supported.
- 6.3 Parish Council: No objections provided the development is justifiable in terms of the equine business.
- 6.4 Environmental Health: Any residential property is classed as vulnerable to the presence of contamination. I therefore advise that any permission granted should be subject to conditions requiring an appropriate contamination assessment.
- 6.5 County Highways Authority: I am concerned that a family living here would have to cross the busy A142 in order to reach local schools, shops, village hall etc. The location would deter such local journeys on foot or by bicycle. However, I note that paragraph 4.1 clearly states that the dwelling would be for occupation by those

responsible for the “ownership” of the existing equestrian centre. I assume that you would put a condition on any consent granted to restrict occupancy. However, I suggest that this should relate to the day-to-day management of the Centre which may, in future, be different from its ownership.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

CS1	Spatial Strategy
CS2	Housing
CS7	Infrastructure
H5	Dwellings for rural workers
S4	Developer contribution
EN1	Landscape and settlement character

7.2 **Regional Spatial Strategy – East of England Plan**

SS1	Achieving Sustainable Development
ENV7	Quality in the Built Environment

7.3 **National Planning Policy**

PPS7	Sustainable Development in Rural Areas
PPS4	Planning for Sustainable Economic Growth

8.0 **PLANNING COMMENTS**

- 8.1 The main issues to consider in the determination of the application are:
- The principle of the dwelling in the countryside in respect of current policy
 - Whether the proposal fulfils the ‘functional’ and ‘financial’ policy requirements
 - The impact on the character of the area
- 8.2 The principle of the dwelling in the countryside in respect of current policy: The site is in the open countryside where development is severely restricted and isolated new houses require special justification. Core Strategy policies CS1 and CS2 set out the exceptions allowed, which include development which is essential to outdoor recreation, or to other uses specified in the Plan which support the rural economy or provide essential rural services. The supporting text to Policy H5 – Dwellings for rural workers, states “*It must be stressed that genuine essential need, rather than business convenience must be justified, and that justification on the basis of security will not be sufficient.*” Policy H5 sets out the parameters for permanent dwellings in the countryside for full time workers in agriculture or similar rural activities, permitted as an exception to the normal policies of control. These criteria reflect the advice given in Annex A of PPS7, Sustainable Development in Rural Areas, which advises local planning authorities to thoroughly scrutinise application to ensure they fulfil the functional and financial tests set.
- 8.3 The key criteria in respect of this particular application are firstly that it must be demonstrated that the dwelling is essential to the needs of the business, that there is indeed a need for a 24 hour presence on the site, i.e. a functional need. It must also

be demonstrated that the enterprise has been established for at least three years and is, and should remain, financially viable (the financial test referred to above). The dwelling must be no larger than that required to meet the functional needs of the enterprise, and must be sensitively designed and sited to minimise visual intrusion. Where a new enterprise is proposed then a temporary dwelling may be acceptable, whilst the business is establishing itself, provided all other criteria are met.

- 8.4 Whether the proposal fulfils the 'functional' and 'financial' policy requirements: In this case the applicant has advised that he keeps 31 horses on the site, 8 of which are in livery, 21 are used for riding school purposes and 2 are brood mares. Due to the shortfall in stables, three ponies live out permanently when not in use for the riding school. The Equestrian Centre offers BHS approved instructor-training courses, Riding and Road Safety Training and Tests throughout the year. It also offers the breaking in and schooling away of young horses. The Centre is open for lessons from 8.30am to 6pm on Saturday and Sunday, and 1pm to 9pm Monday to Thursday. There are three full time staff who work Monday to Friday 8.30am – 5.30pm and ten part time staff who provide additional hours including week-end cover. The business currently takes on 22 NVQ students from the College of West Anglia who train at the site three times a week for 11 months of the year. The applicant employs two of these students as full time working pupils.
- 8.5 It should be noted that whilst the applicant took over the business in 2008, it had been established in 200 with the construction of a block of 13 stables and the conversion of an agricultural building into an equestrian centre. The planning history shows that in 2001 the 8 livery stables were created from a converted apple store in the south-west corner of the site. Then in 2002 a lecture room was added to the indoor riding school together with a temporary classroom, and the riding school was further extended in 2004. Finally in 2007, 8 additional stables were approved, resulting in the 29 stables in use by the applicant at present. It therefore appears that the centre had grown over the years and had operated up to 2008 and indeed up to the present, without the need for a 24 hour presence on the site. It may have been that the stables may not have been fully occupied in the past, but the stables were built, indicating that there was a need for them, and the expectation would have been that 29 horses could be stabled but no application for an on-site residence was made at that time.
- 8.6 It appears that the primary use on the site is as a riding school, with ancillary livery and recently the addition of two brood mares. The main difference between the former business operations and those now undertaken in terms of additional animal husbandry is the recent addition of two brood mares. The applicant states that as he lives in Witchford, 12 minutes away from the site, that distance is too great to react in times of emergency. Whilst there is CCTV on site, it is difficult to receive images at home, so this does not provide sufficient comfort for the monitoring of sick, injured horses or foaling mares. A letter from a local vet supports the application, stating that as the horse numbers on site have increased, so the need for full time supervision increases to ensure animal welfare. Whilst mares frequently foal at night, this can usually be predicted so that arrangements can be made for an on-site presence. It is also the case that many owners of mares manage to breed from them without 'living' on site indeed permitted development rights exist for a caravan to be located on sites for 28 days to address such issues. Clearly, where a small number of brood mares represents the case for a financially viable equine business, then this might provide a

better justification, but that does not appear to be the case in this instance. It was the owner's choice to bring the two mares onto the site, and that choice was made knowing that no dwelling was available. There is no convincing argument as to what has changed in the interim. In this case there is no evidence that these horses are particularly valuable to the business, or are racing livestock. Many livestock establishments rely on alarm systems to alert them to problems, and these have become quite sophisticated in recent years.

- 8.7 The applicant also states concerns about security on the site, citing recent thefts of saddles and other equipment from the site and from other equestrian establishments in the district. Paragraph 6 of Annex A of PPS7 states that whilst the protection of livestock from theft or injury by intruders may contribute on animal grounds to the need for a new dwelling, it will not in itself be sufficient to justify one. A new dwelling might deter theft of equipment, but we have no information that it would be justified in respect of threat to livestock.
- 8.8 In summary, it is accepted that there are a number of horses on the site, but stabling for most of them has been in existence for some years without a previous requirement for a dwelling. The addition of two brood mares does add to animal welfare issues, but these could be met by careful planning, and temporary overnight accommodation. It is therefore considered that on balance there is not an essential need for a dwelling on the site to ensure the proper functioning of the business.
- 8.9 In respect of the financial viability of the business, it can be seen from the growth of the infrastructure on the site over the years that the business has been profitable, this is reinforced by the confidential financial statement which accompanied the application.
- 8.10 The size of the proposed dwelling and the impact on the character of the area: Policy EN1 seeks to protect the landscape character and the settlement edge from inappropriate development. Policy H5 states that a rural worker's dwelling should be no larger than that required to meet the functional needs of the business and should be sensitively designed and sited to minimise visual intrusion. Were a functional need to be established, and no alternative accommodation available, then the size of the dwelling would need to be commensurate to meet that need. The applicant has stated that a dwelling of 230 sqm is required to ensure adequate family accommodation and also to cater for 2 students employed full time. Indicative plans show a layout reflecting that footprint in the form of a bungalow. In recent years it has been the practice of the Council to accept the basis of such dwellings to be in the region of 130 sqm. This reflects the possible need for a boot/clothes changing room or similar, and book-keeping space. That size would be equal to the average size of affordable dwelling, the type of accommodation that would be needed for a groom or agricultural worker to carry out the on-site supervision function required. This ensures that modest family accommodation is provided that can be more easily integrated into the countryside setting. The scale of the proposed dwelling is therefore considered overly large, even allowing for some additional student accommodation, and not commensurate with the functional needs, if they were to be justified, for a groom. Whilst the case for accommodating students is benevolent, their accommodation would not be essential to the functional need, and would be difficult to secure by planning condition.

- 8.11 Policy H5 does allow new businesses that cannot yet demonstrate financial soundness to provide temporary accommodation on a site in the form of a caravan, mobile home or wooden structure until viability can be proven. In this case the financial viability is not in question, so this issue does not arise, unless it were for instance to be related to the breeding aspect, and that it was of sufficient scale.
- 8.12 The main views of the proposal site are from the north-east, from Sedgeway Business Park, and from the south-east from the A142. In both instances, the site would be partially hidden from view by trees and hedges, and the main equestrian buildings themselves. The visual impact may not, therefore be significant and a reason for refusal, however, with the increased comings and goings of family life there would be likely to be increased noise and traffic movements which would impact on the character of the countryside.
- 8.13 Policy S7 and S4 require that all new development proposals should contribute towards infrastructure provision in the district. The applicant has stated that he is prepared to pay appropriate contributions via a s106 legal agreement. However such an agreement is only pursued where the application is to be supported, in order to ensure an applicant is not put to unnecessary legal costs.
- 8.14 Conclusion: Judging from the planning history of the site, the equine centre has functioned at a similar capacity as at present for a number of years, without the prior need for a dwelling on the site. It is not considered that the introduction of two brood mares on the site warrants a continuous 24 hour presence, as foaling needs could be met by temporary arrangements. If the business were to change then there may be more justification in future for a dwelling, but on balance, at present a functional need has not been established. In addition the size of the proposed dwelling, whilst indicative only at this stage, is considered to be overly large and not considered commensurate with any functional need that could be proven in respect of animal welfare, where the justified accommodation would be likely to serve a groom, or similar employee. The application is therefore recommended for REFUSAL.

9.0 RECOMMENDATION

9.1 The application is recommended for REFUSAL for the following reasons:

1. The site is located outside the development envelope of Witchford and is classified as 'countryside', where there will be a policy of strict control over residential development. Exceptions to this policy of control may include dwellings where it is essential for farm, stud or other rural workers to live at or near their place of work, as long as all the criteria within Policy H5 is met. The planning history shows that the equine business on the site has been in operation for a number of years with the capacity to stable 29 horses, without the need for an on-site 24 hour presence in the form of a dwelling. The addition of two brood mares on site and recent thefts of equipment, are material considerations in support of the proposal, but are not considered sufficient to justify a dwelling. On balance the business it is considered that the functional need for a dwelling on the site has not been justified and the proposal does not meet the criteria of Policy H5. The proposal would therefore be contrary to Policies CS1, CS2 and H5 of the East Cambridgeshire District Core Strategy 2009, Policy SS1 of the East of England Plan 2008 and Planning Policy Statement 7 and Annex A: Sustainable Development in Rural Areas.

2. Dwellings required to meet the essential functional needs of a rural enterprise must be no larger than that required to meet those needs. In this case the scale of the proposed dwelling, as shown on the indicative plans a being 230 sqm, is considered to be overly large and in excess of that required to fulfill any functional need, and as a result would have a greater impact on the character of the area than would a more modestly EN1 and H5 of the East Cambridgeshire District Core Strategy 2009, which seek to protect the countryside from inappropriate development and ensure rural dwellings in association with rural enterprises are commensurate to their needs.

APPENDICES

None.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
PPS7 Sustainable Development in Rural Areas PPS4 Planning for Sustainable Economic Growth	Sue Finlayson Room No. 011 The Grange Ely	Sue Finlayson Team Leader, Development Control 01353 665555 sue.finlayson@eastcambs.gov.uk