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Your Ref: DC/18/2627
Our Ref: 8281- td

07 January 2019

For the attention of Ms Tamara Dale

Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Ms Dale

Site: Woodlands Farm, Broadwater Lane, Copsale, Horsham, West Sussex RH13 6QW.

Application: DC/18/2627

Proposal: Application for retention of a temporary mobile home

Thank you for your instruction dated 4 January 2019 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above application. The appraisal has been produced by Alan Bloor, an Associate of RAC.

In preparing this desk-top appraisal I have had regard to the following documents:

- the planning application and associated plans;
- a Planning Statement (dated December 2018) prepared by GK Planning, the applicant's agent;
- a previous planning application at the site - DC/14/2280 for retention of a mobile home which was refused on 18 December 2014 but allowed at Appeal – Ref: APP/Z3825/W/3005940 (Appeal decision 6 August 2015).

I have not visited the application site, but I previously provided the Council with a report dated 9 October 2018 (RAC Ref: 8205-od) for planning application DC/18/1960 for the Demolition of existing stable block and erection of 6 bay equestrian stable block and erection of a hay barn (permitted 15 November 2018).

In that report I concluded that: *“The proposal will allow the applicant to continue to develop and expand his equine operations at Woodlands Farm”*.

Background

1. Woodlands Farm is owned by Mr Joseph Smith, the applicant, and the land holding extends to 5.79 hectares of grassland.



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2. It is my understanding that the applicant operates an equine rehabilitation yard for racehorses recovering from injury. The Planning Statement notes that the applicant provides the necessary care and attention for a number of racehorses on a rotational basis and at any one time there can be 12 to 15 horses on site recovering from injury. It further notes that the applicant's premises have a potential capacity of between 25 and 30 horses on site at any one time.
3. The Planning Statement notes that following their recuperation and rest period, the horses are returned to their respective racing stables. A letter of support from a local racehorse trainer (Mr L Carter), who sends race horses to the applicant and expects to send more as the business expands, is provided within the Planning Statement. It notes the care and attention required with the rehabilitation of racehorses recovering from injury.
4. There is an existing metal framed barn for the storage of hay and farm machinery (permitted under DC/08/2192) and as noted planning permission has been granted (DC/18/1960) for the demolition of an existing stable block and erection of a 6 bay stable block and erection of a hay store in relation to the rehabilitation enterprise.
5. The existing mobile home on site, which was allowed at Appeal (APP/Z3825/W/15/3005940), was subject to a time limited condition of not more than three years from the date of the permission – 6 August 2015.
6. The application before the Council seeks permission for a further two year temporary period of the existing mobile home in order for the continued development of the rehabilitation enterprise and the investment in the construction of the approved stable block and hay barn can take place.

Relevant Planning Policies

7. National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF) (24 July 2018).
8. Section 5 of the NPPF is concerned with 'Delivering a sufficient supply of homes' and at paragraph 79 it notes:
"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;...*
9. Section 6 is concerned with 'Building a strong, competitive economy' and at paragraph 80 notes:
"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt..."
10. At paragraph 83 'Supporting a prosperous rural economy' it notes:
"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 businesses;*

c) *Sustainable rural tourism and leisure developments which respect the character of the countryside; and*

d) *The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”*

11. Policy 10 of the Horsham District Planning Framework looks at rural economic development and states:

“Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities.

In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.

Any development should be appropriate to the countryside location and must:

- 1. contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of the countryside; and either*
 - a. be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
 - b. result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.”*

12. Policy 20 considers rural workers’ accommodation and states that:

“Outside the defined built-up area new housing for rural workers will be supported provided that:

- 1. there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.*
- 2. evidence is submitted to demonstrate the viability of the rural business for which the housing is required.”*

13. Policy 26 deals with countryside protection and enhancement and states that:

“Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

- 1. support the needs of agriculture or forestry;*
- 2. enable the extraction of minerals or the disposal of waste;*

3. *provide for quiet informal recreational use; or,*
4. *enable the sustainable development of rural areas.*

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including:

1. *the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
2. *the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
3. *the landform of the area.”*

14. Paragraph 9.22 indicates that equestrian related development is important to the rural economy of the District and that development of this nature needs to be of high quality and appropriate to its location.
15. Policy 29 is concerned with ‘Equestrian Development’ and states:

“Development for equestrian related development will be supported provided that:

1. *It can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered.*
2. *The proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings;*
3. *The proposal should where possible be well related to a bridleway network”.*

Appraisal

Essential Need

16. The primary test set out in the NPPF and Local Plan Policy 20 is an assessment as to whether there is an essential/functional need for a rural worker to live at, or near, their place of work.
17. In the Appeal Decision (APP/Z38525/W/15/3005940) the Inspector noted at paragraph 11 with regard to the existing mobile home that: *“...I consider from the information that the appellant has provided, its occupation serves a functional purpose which, in the absence of a permanent residential dwelling at the site, could not be otherwise fulfilled. In this connection DCP Policy DC1, indicates that outside the built-up area boundaries, development will not be permitted unless it is considered essential to its countryside location and of an appropriate scale.....”*
18. There is a legal responsibility under the Animal Welfare Act 2006 to ensure that animals are kept in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter, the prevention or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.

19. Under the Animal Welfare Act 2006 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty to Care to animals which means that anyone responsible for an animal must take reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility for Duty of Care for animal welfare for the horses stabled or at grass lies with the applicant.
20. In 2005 the equestrian industry and welfare organisations produced revised guidelines on the welfare of all horses, ponies and donkeys (The Equine Industry Welfare Guidelines Compendium for Horse, Ponies and Donkeys produced by the National Equine Welfare Council). This refers to the availability of staff and states that: "*Sufficient staff must be provided at all times to ensure proper, regular and timely attention to all horses held*". This document has been updated with the Third Edition 2009 and with regard to 'Duty of Care' this notes: "*The most significant single influence on the welfare of the horse is the care and management given by the owner or keeper of that horse. They should be able to meet the welfare needs of their horse and be capable of safeguarding them under all foreseeable circumstances.*"
21. An assessment of the essential need for a rural worker to live at or near their place of work requires:
 - an evaluation of the risks involved;
 - the frequency and type of out-of-hours emergency that might arise;
 - the scale and loss that could be incurred should that emergency situation occur;
 - the potential for an on-site worker to identify the problem; and
 - the ability of that resident worker to rectify the problem.
22. In this application the essential needs arise from:
 - the close supervision, management and daily nutrient requirements of valuable race horses either boxed in stables or in paddocks that are on a rehabilitation programme;
 - the close supervision of any exercising routine requirements for horses recovering from injury;
 - the provision of security for horses under the applicant's care from theft of malicious attack; and
 - dealing with unforeseen emergencies such as a horse cast in its box, a horse with colic or a fire where an immediate response is required.
23. In the Appeal Decision, the Inspector at paragraph 5 notes the following with regard to the mobile home: "*The appellant indicates that occupation is to ensure the continual care of up to six horses stabled at the site, each valued at some* ██████████
24. It is evident that the existing temporary mobile home continues to meet that equine care and ensure that the welfare of all horses under the applicant's care is not compromised.

25. If the Council is minded to permit the siting of the existing temporary mobile home for a further two years, it will allow the applicant to continue with the development of his rehabilitation enterprise.
26. The applicant however, needs to be fully aware that at the end of the extended permitted temporary period, if a further application is submitted for the permanent retention of the mobile home, or a permanent dwelling, financial information will be required to demonstrate that the business is financially viable and sustainable as noted in Local Plan Policy 20.
27. The Inspector in his Appeal Decision did note that at the end of the time period, the use permitted shall cease and the mobile home removed from the site and the land restored to its former condition. If the Council is minded to grant a further extension for the existing mobile home such a condition is likely to be attached.

I trust these comments are helpful in your deliberations.

Yours sincerely

