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Your ref 09/00373/VCN
Our ref PG/LA/DE/1/22/7723/LK
Date: 10 June 2009

Dear Mr Rivet

**APPLICATION NUMBER 09/00373/VCN
BLACKTHORNE COTTAGE, BORWICK ROAD, CAPERNWRAY, CARNFORTH,
LANCASHIRE
GRID REFERENCE 354265 471907**

I refer to your consultation letter concerning the above application and have the following observations to make:

Introduction

A planning application has been submitted by Mr J McCarthy for the variation of condition number 3 of Planning Consent 02/001203/REM to vary the condition from the agricultural occupancy condition to an occupancy condition in association with the equestrian enterprise at the site.

A site inspection was made on 3 June 2009 when the applicant's business Partner, Mrs C Cartmel and the applicant's agent were present. Information provided at the meeting, together with written submissions form the basis of this report.

Background Information

The applicant I am informed purchased Blackthorne Cottage in October 2005 and since the purchase an equestrian unit has been established, which is run by Mrs C Cartmel who is in partnership with the applicant in the business known as Castle View Equestrian.

I am informed that Mrs Cartmel and her husband live at Blackthorne Cottage which is rented from the applicant.

Continued ...

The planning application is for the variation of Condition Number 3 on Planning Consent 02/001203/REM to vary the condition from the agricultural occupancy condition to an occupancy condition in association with the equestrian enterprise at the site.

Previous Planning Applications

I am aware that Lancashire County Council, Property Group has been consulted on several applications concerned with development at Blackthorne Cottage.

The most recent applications are as set out below:

Application Number	Description	Decision
99/00268/OUT	Outline application for erection of one dwelling for an agricultural worker.	Refused 15 February 1999.
01/00634/OUT	Outline application for one agricultural worker's dwelling.	Approved 29 August 2001.
02/01203/REM	Reserved matters Application for the erection of one agricultural worker's dwelling.	Application Approved 19 November 2002.
06/01419/CU	Change of Use for agricultural buildings to equestrian use and the provision of a midden and ménage.	Approved 19 February 2007.
07/00056/FUL	Variation of occupancy condition number 3 of Planning Consent 02/01203/REM.	Planning permission approved. 19 March 2007.

The application 07/00056/FUL was granted subject to the following conditions:

- i) That the permitted use will cease on or before 31 March 2010 unless and further consent has been granted.

Reason: to allow time for stables to be established as a viable business.

- ii) The occupation of the dwelling should be limited person solely or mainly employed in the management of the adjoining stables or a widow or widower of such a person or to any resident dependents.

The Existing Situation at Blackthorne Cottage

i) The Land

This is an equestrian unit consisting of 9.7 hectares (24 acres) of land all contained within a ring fence. In addition there is a residential dwelling which was constructed as an agricultural workers dwelling.

ii) Equestrian Buildings

Buildings on the site are as follows:

- Building No: 1 a four bay building constructed of concrete block walls with part box profile clad sides and a box profiled clad roof. The building has a concrete floor. The Building has nine concrete block stables, a wash bay and a tack storage area;
- Building No: 2 a traditional stone building with box profile clad roof and concrete floor. This building houses two stables;
- Building No: 3 former poultry building, having box profile clad sides and roof, and having concrete floor. This building has a lean-to of similar construction. The building houses 19 concrete block stables and wash-bay, tack storage area, and within the lean-to storage area for feeding and bedding materials;
- Building No: 4 ménage, having a timber post and rail fence to perimeter used for outdoor exercise and schooling;
- Building No: 5 exercise ring, constructed of a metal frame and used as a confined exercise area.

The Equestrian Enterprise

Mr McCarthy owns and manages four holiday caravan sites, two of which are adjacent to the Blackthorne Cottage site.

The applicant is a partner with Mrs C Cartmel in the equestrian business, known as Castle View Equestrian. The business has 30 stables and is involved in providing livery accommodation for horses either on a full or part livery basis. In addition, injured horses are rehabilitated at the equestrian centre.

At the time of my inspection there were approximately 10 horses at DIY livery and approximately 20 horses at either 50% livery, full livery, or schooling livery.

I am informed that the applicant oversees the running of the business and provides capital for the business and that Mrs Cartmel runs the day to day operations, the administration work and with her contacts, encourage them to use their business.

I am informed that the rehabilitation of injured horses is an increasing need and that local veterinary surgeons use the equestrian centre when injured horses require bandage changing, the administration of injections and antibiotics administering, and where they require general rehabilitation such as exercising on a controlled basis.

The Planning Application

The planning application is for a variation of Condition Number 3 of planning consent 02/001203/REM to vary the condition from the agricultural occupancy condition to an occupancy condition in association with the equestrian enterprise at the site.

The planning consent under application number 02/01203/REM contained the standard agricultural occupation clause in that the dwelling shall be limited to a person solely or mainly employed in agriculture, or a widow or widower of such a person. Since that time, Blackthorne Cottage has changed ownership and is now occupied in conjunction with the equestrian use at the site.

The planning consent of March 2007 Application No: 07/00056/FUL varied the occupancy condition of the previous consent to that of being limited to a person solely or mainly employed in the management of the adjoining stables or a widow or widower of such a person and that consent was time limited by Condition Number 2 which stated "the use hereby permitted shall cease on or before 31 March 2010 and the dwelling shall revert to occupation only by a person employed in agriculture or forestry, unless a further consent has been granted by the local planning authority". The reason for this condition was said to be to allow the stables to be established as a viable business.

Assessment

From my inspection it was apparent that all the buildings, together with the land are still used for equestrian purposes either on full livery, DIY livery or part livery and that the premises are also used for a rehabilitation unit for injured horses.

Permission for changing the occupancy condition has been granted for a temporary period and the current application relates to the variation on a permanent basis.

When assessing the application of the temporary variation of the original condition it was accepted that the activities met the functional test required by paragraph 4 of annex A of PPS7 and the reasons for the temporary consent were imposed to allow the applicant time for the stables to be established as a viable business.

Therefore in order to establish whether the enterprise is economically viable, it is necessary to consider the financial test, as referred to in paragraph 3(iii) of Annex A of PPS7.

In this respect, the enterprise should have been established for at least three years and at least one of those years should have been profitable. In addition it is necessary to demonstrate that the enterprise is currently financially sound and has a clear prospect of remaining so.

Whilst the consent for the variation under application No: 07/00056/FUL was dated March 2007 it appears that the business did not commence trading until August 2007. Therefore at the present time, the enterprise has not yet been established for three years. In my opinion the application is therefore premature as it does not meet this criterion.

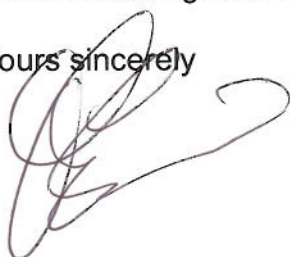
The accounts submitted with the application are for the period 1 August 2007 to 31 October 2008.

I was informed that these accounts took in a period when only 21 of the 30 stables were occupied and that the level of profitability has been affected by this occupancy rate. Whilst the enterprise has made a profit, and I am informed that the current year should produce a profit to reflect the 100% occupancy. However given that the accounts provided are for a 15 month period, and taking into account the related level of profit I am of opinion that at present the financial test is not satisfied.

I consider that the financial viability could be better assessed once the three years accounts have been provided.

I would be obliged to receive a copy of the Decision Notice in due course.

Yours sincerely



David Ensor
Senior Assistant Land Agent
On behalf of the Director of Property