

<b>DECISION DATE</b> 28 June 2007	<b>APPLICATION NO.</b> 07/00259/FUL A9	<b>PLANNING COMMITTEE:</b> 2 July 2007
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF AN EQUESTRIAN CENTRE WITH ASSOCIATED ACCESS AND CAR PARKING		<b>SITE ADDRESS</b>  LAND WEST OF MIDDLETON ROAD OVERTON LANCASHIRE
<b>APPLICANT:</b>  Lanquestrian Ltd C/o Trailholme Farm Trailholme Road Overton Near Morecambe LA3 3HW		<b>AGENT:</b>  CA Planning

**REASON FOR DELAY**

Deferred by Committee

**PARISH NOTIFICATION**

**Overton Parish Council** - No objection in principle, but they consider that the car parking provision for the day to day operation of the facility may prove inadequate, leading to roadside parking which will damage verges and create a traffic hazard. In the past some of the fields covered by the application have been used for harness racing events. This may happen again in the future; it would be helpful to identify the additional parking areas when special events are held, and their capacity. They also draw attention to the fact that the applicants have already implemented some of the works associated with the development.

**LAND USE ALLOCATION/DEPARTURE**

Countryside area

**STATUTORY CONSULTATIONS**

**County Council Highways** - It is difficult to assess the likely traffic impact of this type of use and it is likely that the vehicle numbers estimated by the applicant may be exceeded. On balance, no objection but it is recommended that an area for overspill parking is identified, possibly surfaced in grasscrete. At least one parking space should be laid out to mobility standards. Provision should also be made for secure bicycle parking. Conditions should be attached to any consent covering the construction of the access, car parking, visibility splays and cycle storage.

**Environmental Health** - Observations awaited.

**County Council Property Services** - The building is generally appropriate for the scale of activity proposed but the amount of stabling provided is insufficient for the number of horses suggested. Does not support the provision of a caravan. A copy of their letter appears at the end of this report.

**Environment Agency** - Comments on the Flood Risk Assessment awaited.

### **OTHER OBSERVATIONS RECEIVED**

A resident of Overton has written to support the application, on the basis that it will provide a much needed facility which will give horse riders an opportunity to experience good quality competition; at present they have to travel outside Lancashire for this. It will also provide better facilities for the local Pony Club. For those horse riders who do not wish to enter competitions it will open up an area for off road riding, without the hazards associated with motor traffic.

In addition a letter of support has been received from a resident of Torrisholme whose daughter has riding lessons at the existing Lanquestrian Riding Centre. The provision of an indoor arena will allow her to participate in Pony Club events all year, regardless of weather conditions. The writer argues that participation in all sports should be encouraged in the run-up to the London Olympics in 2012.

A letter from a firm of Chartered Accountants supports the proposal and states that they see no reason why the business should not be financially successful.

A series of similar letters from customers of the applicants' equestrian centre has been included in an appendix to the statement provided by their agents.

Any other representations received will be reported verbally at Committee,

### **REPORT**

This application was considered by Committee at its meeting on 4 June. A copy of the relevant report is attached. A decision was deferred, to allow further consideration of the applicant's offer to withdraw the caravan from the proposal.

Without the caravan, the proposal has to be considered purely in relation to the establishment of riding stables on what was formerly agricultural land.

The building concerned would have a floorspace of 2000 square metres, and a maximum height of 10 metres. It would be finished externally in concrete blockwork and timber boarding. Inside, it would contain:-

- an indoor riding school
- thirteen stables
- a reception area
- a classroom
- a tack room
- a feed and tool store
- a saddlery
- toilet facilities
- a manager's office
- a general utility area.

It is intended that the facility will operate 9:00 - 21:00 hours Mondays to Tuesdays, 9:00 - 17:00 hours on Saturdays and 9:30 - 16:00 on Sundays. It would be closed to the public on Thursdays and Fridays. No indication is provided of the intended opening hours on Wednesdays.

Unusually for a rural location of this kind, the development would be served by mains drainage. This is possible because of the position of the sewage works serving Overton, immediately to the south. Access to the site would be obtained by means of a private drive off Middleton Road. Part of it has already been constructed without planning permission; in addition a caravan has been placed on the site proposed for the car park, though the applicants state that they are using it for administrative purposes only and are not living there.

The proposal involves land which is not itself at risk from flooding, but is surrounded by an area which is; it is therefore what the Environment Agency describes as a 'dry island'. In recognition of this, the applicants have provided a Flood Risk Assessment. There are some minor details missing from the building plans as submitted, involving the provision of a flue to the kitchen area and the point at which the foul drainage can be connected to mains drainage. The applicant's agents recognise that these points need to be addressed but suggest that they could be dealt with by means of a condition, rather than amended plans.

As before the following policies in the Lancaster District Local Plan are particularly relevant to the application:

- E4, which requires that development within the Countryside Area identified in the Plan should be in scale with and in keeping with the landscape; appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing, cycle and car parking.
- R10, which indicates that the City Council will permit proposals for equestrian development in the countryside which are appropriate to their surroundings in terms of design, scale, materials, landscaping and means of enclosure. It also requires that the proposal should not have an unacceptable impact on rural roads and contains suitable access and car parking provision, not have a significant adverse effect on any wildlife habitat or the best and most versatile agricultural land or any public right of way, and be conveniently sited for an adequate network of bridleways and/or safe riding routes. The policy also states that in considering such proposals, the Council will have regard to the advantages of locating equestrian development close to existing settlements.
- H8, which states that proposals for new dwellings in the countryside will only be permitted where they are essential to the needs of agriculture, forestry or other uses appropriate in the rural area.

Account also needs to be taken of advice in the central government advice note PPS7 (Planning Policy Statement: Sustainable Development in Rural Areas). Paragraph 31 supports diversification which does not expand or encroach into the countryside. Paragraph 32 points out that horse riding and other equestrian activities are popular forms of recreation in the countryside which can fit in well with farming activities and help to diversify rural economies. PPS7 also encourages the re-use of farm buildings for small-scale horse enterprises, and defines 'small-scale' as involving up to 10 horses. Annex A sets out the functional and financial criteria which should be applied when considering proposals of new dwellings associated with agricultural or similar development in the countryside. (This must still be considered because of the implications of approving such an isolated use).

The principle of a riding centre on the land is partially consistent with national and local policy. Although the site is some distance outside the built up area of Morecambe it is easily accessible from it. The area is served by a network of relatively lightly trafficked rural roads. In accessibility terms, it represents an improvement on the previous location of the stables at Trailholme Farm, to the south west of Overton which is some distance from the nearest bus route but it is not replacing existing buildings or close to an existing complex.

The applicant has indicated that as many as 23 horses are used by the riding school, 18 of which are owned by or loaned to the riding school. As the comments from Lancashire County Council's Property Service point out, the accommodation currently proposed does not appear to be sufficient to accommodate all of these.

However, this is a large new development on a Greenfield site. Whilst the principle of the use is acceptable in the countryside, no attempt has been made to justify why it has to occupy a Greenfield site or to show that re-using redundant buildings elsewhere in the countryside has been considered.

Although the caravan has been removed from the application the development, if approved, would lead to animal welfare issues that would probably require attention overnight. Again, there is no proven justification for choosing a site away from other buildings or an existing unit of accommodation in the countryside.

It is for these reasons that a recommendation of refusal has been reached.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE REFUSED** for the following reasons:-

1. Isolated development encroaching into the countryside. Conflict with Policy R10 of the Lancaster District Local Plan and Paragraphs 31 and 32 of Planning Policy Statement No. 7.
2. Proposal would lead to demand for isolated housing on a Greenfield site in conflict with Policy H8 of the Lancaster District Local Plan and Annex A to Planning Policy Statement No. 7.

<b>DECISION DATE</b> 28 June 2007	<b>APPLICATION NO.</b> 07/00259/FUL A11	<b>PLANNING COMMITTEE:</b> 4 June 2007
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF AN EQUESTRIAN CENTRE WITH ASSOCIATED ACCESS AND CAR PARKING, ALONG WITH TEMPORARY SITING OF A RESIDENTIAL CARAVAN FOR THE PERIOD OF 3 YEARS		<b>SITE ADDRESS</b>  LAND WEST OF MIDDLETON ROAD OVERTON LANCASHIRE
<b>APPLICANT:</b>  Lanquestrian Ltd C/o Trailholme Farm Trailholme Road Overton Near Morecambe LA3 3HW		<b>AGENT:</b>  CA Planning

**REASON FOR DELAY**

Not applicable.

**PARISH NOTIFICATION**

**Overton Parish Council** - No objection in principle, but they consider that the car parking provision for the day to day operation of the facility may prove inadequate, leading to roadside parking which will damage verges and create a traffic hazard. In the past some of the fields covered by the application have been used for harness racing events. This may happen again in the future; it would be helpful to identify the additional parking areas when special events are held, and their capacity. They also draw attention to the fact that the applicants have already implemented some of the works associated with the development.

**LAND USE ALLOCATION/DEPARTURE**

Countryside area.

**STATUTORY CONSULTATIONS**

**County Council Highways** - It is difficult to assess the likely traffic impact of this type of use and it is likely that the and it is likely that the vehicle numbers estimated by the applicant may be exceeded. On balance, no objection but it is recommended that an area for overspill parking is identified, possibly surfaced in grasscrete. At least one parking space should be laid out to mobility standards. Provision should also be made for secure bicycle parking. Conditions should be attached to any consent covering the construction of the access, car parking, visibility splays and cycle storage.

**Environmental Health** - Observations awaited.

**County Council Property Services** – Do not consider that an adequate case has been made for on-site residential accommodation. A copy of their letter explaining the reasons for this appears at the end of the report.

**Environment Agency** - Comments on the Flood Risk Assessment awaited.

### **OTHER OBSERVATIONS RECEIVED**

A resident of Overton has written to support the application, on the basis that it will provide a much needed facility which will give horse riders an opportunity to experience good quality competition; at present they have to travel outside Lancashire for this. It will also provide better facilities for the local Pony Club. For those horse riders who do not wish to enter competitions it will open up an area for off road riding, without the hazards associated with motor traffic.

In addition a letter of support has been received from a resident of Torrisholme whose daughter has riding lessons at the existing Lanquestrian Riding Centre. The provision of an indoor arena will allow her to participate in Pony Club events all year, regardless of weather conditions. The writer argues that participation in all sports should be encouraged in the run-up to the London Olympics in 2012.

A letter from a firm of Chartered Accountants supports the proposal and states that they see no reason why the business should not be financially successful.

A series of similar letters from customers of the applicants' equestrian centre has been included in an appendix to the statement provided by their agents.

Any other representations received will be reported orally at Committee.

### **REPORT**

#### **The Proposed Development**

The applicants have operated an equestrian centre in the area for the last eight years, based on a site to the east of Overton. They now wish to provide larger and better facilities. They have acquired a group of five fields for this purpose, in open countryside on the west side of the road between Middleton and Overton.

The development proposed is a large building with a floorspace of 2000 square metres, and a maximum height of 10 metres. It would be finished externally in concrete blockwork and timber boarding. Inside, it would contain:

- an indoor riding school
- thirteen stables
- a reception area
- a classroom
- a tack room
- a feed and tool store
- a saddlery
- toilet facilities
- a manager's office
- a general utility area.

It is intended that the facility will operate 09:00 - 21:00 hours Mondays to Tuesdays, 09:00 - 17:00 hours on Saturdays and 09:30 - 16:00 on Sundays. It would be closed to the public on Thursdays and Fridays. No indication is provided of the intended opening hours on Wednesdays.

Unusually for a rural location of this kind, the development would be served by mains drainage. This is possible because of the position of the sewage works serving Overton, immediately to the south.

In addition to this it is proposed to site a caravan at the side of the main building, to provide accommodation for the operators of the business.

Access to the site would be obtained by means of a private drive off Middleton Road. Part of it has already been constructed without planning permission; in addition a caravan has been placed on the site proposed for the car park, though the applicants state that they are using it for administrative purposes only and are not living there although the Land Agent's report indicates they are.

The proposal involves land which is not itself at risk from flooding, but is surrounded by an area which it is; it is therefore what the Environment Agency describes as a 'dry island'. In recognition of this, the applicants have provided a Flood Risk Assessment. There are some minor details missing from the building plans as submitted, involving the provision of a flue to the kitchen area and the point at which the foul drainage can be connected to mains drainage. The applicant's agents recognise that these points need to be addressed but suggest that they could be dealt with by means of a condition, rather than amended plans.

### **Planning Policies**

The following policies in the Lancaster District Local Plan are particularly relevant to the application:

- E4, which requires that development within the Countryside Area identified in the Plan should be in scale with and in keeping with the landscape; appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing, cycle and car parking.
- R10, which indicates that the City Council will permit proposals for equestrian development in the countryside which are appropriate to their surroundings in terms of design, scale, materials, landscaping and means of enclosure. It also requires that the proposal should not have an unacceptable impact on rural roads and contains suitable access and car parking provision, not have a significant adverse effect on any wildlife habitat or the best and most versatile agricultural land or any public right of way, and be conveniently sited for an adequate network of bridleways and/or safe riding routes. The policy also states that in considering such proposals, the Council will have regard to the advantages of locating equestrian development close to existing settlements.
- H8, which states that proposals for new dwellings in the countryside will only be permitted where they are essential to the needs of agriculture, forestry or other uses appropriate in the rural area.

Account also needs to be taken of advice in the central government advice note PPS7 (Planning Policy Statement: Sustainable Development in Rural Areas). Paragraph 32 points out that horse riding and other equestrian activities are popular forms of recreation in the countryside which can fit in well with farming activities and help to diversify rural economies. Annex A sets out the functional and financial criteria which should be applied when considering proposals of new dwellings associated with agricultural or similar development in the countryside.

### **Planning Considerations**

The principle of a riding centre on the land is consistent with national and local policy. Although the site is some distance outside the built up area of Morecambe it is easily accessible from it. The area is served by a network of relatively lightly trafficked rural roads. Although the proposed building is large it could be accommodated within the landscape in this location without undue detriment to the wider environment.

The proposed residential caravan on the site raises more complex issues. It is argued in the applicants' supporting statement that residential accommodation on the premises is essential in order for them to meet the terms of their licence but this is not the case (see the licensing conditions which appear at the end of this report). The terms of the City Council's licences for riding establishments specify that the horses should be adequately supplied with suitable food, drink and, where appropriate, bedding material. They also require that an evacuation procedure should be arranged in the event of fire, with the name, address and telephone number of the responsible person displayed outside. They do not however require that the supervising person lives on the site.

The view of the County Council's Property Service is that a functional need for on site accommodation has not been made. The scale of the operation with 13 stables, is below the level at which it would normally be regarded as appropriate. The licensing requirements could be met satisfactorily if the person responsible for managing the site lived in either Middleton or Overton, both of which are less than a mile from the site.

It is not considered that the applicants have made any convincing case for living accommodation on the site. Approval in these circumstances would inevitably in the future lead to an application for a permanent dwelling which would then be difficult to resist. This would establish a working precedent for the many other small scale riding establishments approved throughout the district in recent years.

So far as the financial test set out in PPS7 is concerned, the applicants have not provided any financial information. All they have produced is a letter from their accountants stating that the riding stables business is viable.

As the buildings and the caravan have been submitted as part of the same application, it is necessary to determine both together. It is therefore recommended that permission should be refused.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE REFUSED** for the following reasons:

1. Proposal is contrary to policy H8 of the Lancaster District Local Plan and PPS7, in that there is no functional need for living accommodation to be provided on the site and no financial information has been provided to indicate that a viable business could be developed at this site.
2. Precedent for on site living accommodation at other small and medium sized riding stables, making other similar proposals more difficult to resist.



The licensee shall ensure:

1. That paramount consideration will be given to the condition of horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;
2. That the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition.
3. That there will be available at all times, accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling.
4. That in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;
5. That horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;
6. That all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained on the premises;
7. That appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
8. That adequate accommodation will be provided for forage, bedding, stable equipment, and saddlery;
9. A horse found on inspection of the premises by an authorised officer to be in need of veterinary attention shall not be returned to work until the holder of the licence has obtained at his own expense and has lodged with the local authority a veterinary certificate that the horse is fit for work;
10. No horse will be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in the case of a horse let out on hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision;
11. The carrying on of the business of a riding establishment shall at no time be left in the charge of any person under 16 years of age;
12. The licence holder shall hold a current insurance policy which insures him against liability for any injury sustained by those who hire a horse from him for riding and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person caused by, or arising out of, the hire or use of a horse as aforesaid;

**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF**

**Riding Establishments Licence RE02**

13. A register shall be kept by the licence holder of all horses in his possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times;
14. Two 'No Smoking' Notices are prominently on display, one at each end of the premises;
15. Two notices are prominently displayed, one at each end of the premises, advising what action should be taken in the event of a fire;
16. Adequate fire precautions have been taken after seeking advice from the Fire Prevention Officer.



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(FAO Mr P Rivet)

Your ref 1/07/0259/FUL  
Our ref PG/LA/INB/PA/1/19/6998/LK  
Date: 18 May 2007

Dear Sir

**APPLICATION NUMBER 1/06/259**  
**LAND WEST OF MIDDLETON ROAD, OVERTON, LANCASHIRE**  
**GRID REFERENCE 432484**

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

### **Introduction**

A planning application has been submitted by Lanquestrian Limited for the erection of a building to provide an 'equestrian centre' facility and temporary siting of a mobile home to provide accommodation for the proprietor of the equestrian operation. I undertook an inspection of the application site on 15 May whilst Mrs O'Callaghan was also present and the information provided together with the written submissions made in support of the application form the basis of this appraisal.

### **Background Information**

Lanquestrian is a company with four Directors which constitutes Mr and Mrs O'Callaghan and Mrs O'Callaghan is the proprietor of the equestrian enterprise. Mr O'Callaghan has employment off the site and the other two Directors do not have an involvement in the day to day operational duties. Lanquestrian is the parent company of a number of subsidiary companies also created by the Directors to operate a multi-functional equestrian enterprise, providing a riding school, private lessons in dressage, show jumping, showing, stable management as well as holding regular shows/competitions under the umbrella of Lanquestrian Riding Club and hiring out the land to other equestrian organisations.

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Mrs O'Callaghan has recently moved her operations from her original site based at Trail Holme Farm to the land which is the subject of this application. The site at Trail Holme Farm offers limited equestrian facilities and is occupied by the applicant on a rental basis. It is Mrs O'Callaghan's intention to cease any connection with Trail Holme Farm and as such, re-establish the business on the land forming the subject of this application. As a consequence of the land having no existing permanent facilities i.e. buildings the applicant is proposing an all encumbering horse use building and siting of a caravan for a temporary period with a view to creating a permanent dwelling in due course.

### Application Site

This constitutes 20 hectares (48 acres) of agricultural land divided into five fields and all contained within a ring fence. The applicants acquired the site consisting of bare land in October 2006 following the fragmentation of a local farm. Since acquiring the site some of the land has been sub-divided into small paddocks for horse grazing and a perimeter fence has been erected by the applicants creating a field margin used by the applicants' clients for a cross country ride.

I was informed that the application site now provides the base for the applicants' enterprise and whilst Mrs O'Callaghan continues to rent the facilities at Trail Holme Farm these have not been utilised for some time. It was evident at the time of my inspection that within the field 1 identified on the plan submitted with the application that two rings have been created, one for show jumping and the other for riding. I was advised these are used by clients and on show dates.

Whilst there are no buildings erected on the site I was informed a mobile stable has been brought onto the land which is used by one grass livery client. In addition, there is a mobile home located in the south-east corner of field 2 which is lived-in by Mr and Mrs O'Callaghan since approximately two weeks ago.

### Applicants' Enterprise

Mrs O'Callaghan is one of four Directors of Lonquestrian and it is Mrs O'Callaghan who is the figure head of the operation which undertakes the following activities:

- a) riding school which constitutes the principle activity and it is this which forms the foundation of the business. There are 23 horses utilised by the riding school consisting of 18 horses which are either owned or are loaned to the applicant. The applicants' owned horses comprise of mostly native breeds including Exmoor, Welsh, Fell, Dales and New Forest as well as some non-native. All but four of these horses are under 15.3 hands high given that they are ridden mostly by children. In addition to the owned horses there are five working liveries i.e. horses owned by others but used in the applicants' Riding School. I was advised the applicant has 100 riding school clients providing group and individual tuition. Tuition takes place on most days and especially at weekends;

In addition to ridden tuition Mrs O'Callaghan is intending to undertake stable management tuition to assist people to achieve qualifications;

- b) provision of a grass livery service, currently the applicant has one horse on grass livery and provide a mobile field shelter in conjunction with the occupation of the land;
- c) organising riding events on the site e.g. show jumping as well as hiring out their land for other riding organisations to use e.g. a local branch of the Pony Club;
- d) providing a temporary holding facility for the R.S.P.C.A. and Police horse rescue cases.

### **Labour**

Mrs O'Callaghan's role is as the proprietor of the above operation and is actively involved in the daily responsibilities. She informed me she is registered disabled as she suffers from arthritis which has the effect that there can be times within the day when she has to rest.

I was advised that there are six people employed in the business, although I had not been informed I assume these are only employed on a part time basis.

### **Proposed Development**

The application is proposing the erection of building and formation of car parking and internal road to service the building from the highway and these will provide the new centre of operations for the riding school operation.

The proposed building will be a steel portal frame building with lean-to measuring 57m x 36m (wide) x 7.0m eaves height. The building will be fully enclosed comprising of a concrete block wall 0.5m high and close boarded timber above to roof height. The roof will comprise of profile steel sheets with provision of natural roof lights. Internally, the building will be sub-divided to provide the following functions.

1. A riding arena measuring 42m x 22m.
2. 13 loose box stables 3.6m x 3.6m.
3. Storage areas for horse feed, bedding tack/saddlery.
4. Grooming/treatment area for horses.
5. Visiting public associated facilities and office.

In addition to the building and car parking etc a mobile home is proposed to provide on site living accommodation for the proprietor of the business.

### Assessment

I note the relevant Local Plan policies applicable to the determination of this application are Policies: E4 – “The Open Countryside”, R10 “Equestrian Development” and H8 – “Housing in the Countryside”. National Planning Policy guidance in respect of the proposed development is provided by PPS 7 and I feel Annex A is particularly relevant for assessing the need for the provision of a temporary dwelling and I intend to apply the conditions and criteria referred to in the Annex to form the basis of assessment for provision of the caravan.

With reference to the proposed building and associated works I intend to comment specifically on the suitability of the building for the proposed use. I am aware that the applicant has operated the equestrian business to date having only very limited facilities which included an all-weather manege and 2 acres of land at Trail Holme Farm and latterly i.e. since October 2006, 48 acres of unequipped land. I feel the proposed development will significantly alter the profile of the equestrian operation undertaken by Mrs O’Callaghan up to date. This facility will enable the applicant to undertake an all-year round enterprise providing the same service as at present. I feel the scale of the proposed building is generally relative to the scale of the operation she operates and as such, I feel this would be appropriate. I feel generally the design of the building is also appropriate with regard to the nature of cladding materials although fibre cement sheets to the roof may be more preferable to steel as fibre cement avoid the possibility of a mirroring effect.

As far as the siting of the building is concerned I recognise you will have your own views upon this.

With reference to the siting of a caravan, I refer to paragraph 12 of Annex A which provides specific criteria for assessing temporary agricultural dwellings and refer to the contents of paragraph 12 below:

**If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:**

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;

- (iii) **clear evidence that the proposed enterprise has been planned on a sound financial basis;**
- (iv) **the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and**
- (v) **other normal planning requirements, eg on siting and access, are satisfied.**

With reference to the above, I have the following comments to make:

1. The provision of temporary dwelling is aimed towards new enterprises whereas the applicant is proposing to relocate the existing business. I feel technically the applicants' circumstances do not comply with the temporary dwelling provisions, but as the proposed development would constitute a significant investment in a new facility with the ability to expand the operation, then I feel only a temporary period would be the most appropriate way to assess the application.
2. Clearly, the proposed investment in the new facility would be a significant financial outlay. It is evident though that the proposed stabling is significantly less than the number of horses kept i.e. stabling provision for 13 whereas the number of horses kept are 23. I was informed that some ponies would 'double-up' in some of the stables, but I feel the size of the proposed stables would make this restrictive unless the ponies are very small.  
  
In view of this, I have reservations that the applicant is able to operate the scale of business as existing base upon the prize of the proposed facility.
3. I feel there are aspects of the applicants' equestrian operation which are relevant when assessing whether the nature and scale of the enterprise constitute a functional need for someone to be readily available. However, I feel if the enterprise were operated at the scale which the application building will provide housing for, then I do not consider this would constitute a functional need. I would advise if the applicant were able to demonstrate that the facilities could accommodate the number of horses kept by her then this would add to the functional need although based upon the scale of the operation I consider the need would be marginal based upon the scale of the operation.
4. There have not been any information provided showing the company's accounts over the past three years and/or projected accounts of how the business could perform if planning permission were granted for the application building. In view of this, I feel the applicant has not satisfied the criteria (iii) of paragraph 12 Annex A.

5. I feel the settlements of Middleton and Overton are reasonably close to the application site and could provide alternative accommodation to run the enterprise. I consider based upon the scale of the number of stables identified with the application that living off the premises would be reasonable. Were the applicant able to demonstrate that the scale of her existing enterprise could be sustained and a functional need is established, then I feel it would be most appropriate that the proprietor should live on the premises.
  
6. I feel following my discussions with Mrs O'Callaghan that she portrayed a quite significant scale operation being undertaken however, I feel the scale of stabling and generally the provision made for on site parking does not portray the same picture.

### **Conclusion**

I feel the proposed building is generally appropriate for the scale of activity proposed except for the provision of stabling. I do not feel sufficient justification exists for the temporary siting of a mobile home.

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

Yours faithfully

Land Agency Manager  
On behalf of the Director of Property