

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	29 October 2014
Application Number	14/07100/OUT
Site Address	Hunting Villa Farm Hunts Mill Road Royal Wootton Bassett Swindon SN4 7FS
Proposal	Dwelling in Association with Equestrian Enterprise (Resubmission of 13/06430/OUT)
Applicant	Mr Nick Hussey
Town/Parish Council	ROYAL WOOTTON BASSETT
Division	WOOTTON BASSETT SOUTH (Cllr C Hurst)
Grid Ref	405397 181659
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application has been called to Planning Committee by Councillor Hurst in order to consider whether the proposal represents sustainable development and to explore the economic benefits of the application.

1. Purpose of Report

To consider the application and to recommend that Planning permission be REFUSED.

2. Report Summary

Wootton Basset Town council have not (at the time of writing this report) responded.

10 letters of support have been received.

3. Site Description

The site comprises 9 hectares (22 acres) of mainly grassland, which rises gently to the south west with the northern section lying partially within Flood Zone 2. There are some areas of short rotation willow coppice on the holding also.

4. Planning History

N/93/00333/FUL	USE OF LAND TO SITE MOBILE HOME FOR AN AGRICULTURAL WORKER SITING OF MOBILE HOME
N/09/01551/FUL	Change of Use of Land to the Keeping of Horses and Erection of Stable Block
13/06430/OUT	Dwelling in Association with Equestrian Enterprise

5. The Proposal

The proposal is for permission in outline only for a house, with a minimum of four bedrooms, in connection with an equestrian enterprise.

6. Planning Policy

Policies C3, NE15 and H4 of the North Wiltshire Local Plan 2011 and guidance given in the National Planning Policy Framework 2012

7. Consultations

Wootton Bassett Town Council has not yet responded (at the time of writing this report).

The Council's Agricultural Advisor has provided a report. This states that the applicant's business is keeping and breeding horses. The applicant's mare is in foal again with her most recent foal just having been weaned. The point of sale for the foal will depend on its eventual quality, but the identified intent is to break the foals in their 3rd year when it will either be sold or sent into racing. Over the next 6 months the applicant intends to bring 2 more of his own mares onto the holding and 4 other broodmares owned by 3rd parties. The applicant is working through a programme of improving the grassland in anticipation of increased levels of livestock.

The applicant plans to expand the business so that up to 10 mares will be foaled annually. Up to 3 of the mares will be the applicants own with the balance being 3rd party owned and managed on a contract basis. Foals will be bred and reared either for sale or a career in racing; naturally the progeny's career will depend on physical conformity and its temperament. The express aim of the business is to attract high quality and high value thoroughbred mares.

The applicant proposes to construct a storage barn on an existing piece of hardstanding, but this is not the subject of this or another planning application. Areas of short rotation willow coppicing are also proposed. The biomass produced will be used to heat the proposed dwelling.

The proposal if carried out, will provide full time employment for Mr and Mrs Hussey. The applicants argue that there is an essential need for a presence on the holding at all times for two key reasons: Supervision and security for high value equines and animal welfare including foaling and sickness or injury. Given the information provided by the applicant the proposed form of business and the focus on thoroughbred stock including the expectations of the owners of those thoroughbreds will present an essential requirement for a presence on site at most times.

There is no express reference in the NPPF to an assessment of either an existing or a proposed business which will operate in association with the proposed rural dwelling. It is Mr

Coke's opinion that such an assessment is critical to forming an opinion on the continuation of the "essential Need". In this case the claimed essential need will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no essential need for its presence.

The applicant has provided a business plan which identifies the projected costs and revenues for the business. The plan covers a 4 year period and shows the business with a loss at year 1 and then increasing profitability for the balance of the plan. The plan shows 2 key areas of income: The boarding fees for mares and foals and then sales income from the sale of 3 foals annually. The key point is that the sales income can vary widely, depending on the quality of the particular foal, although the applicant has taken a reasonably conservative line with sales values.

The plan appears to have been planned on a sound financial basis.

The dwelling is associated with a significant expansion of the existing business and in such circumstances the former Annex A of PPS7 suggested the use of a temporary dwelling for the first 3 years of the business in order to demonstrate implementation of the business plan. PPS7 has been replaced by the NPPF; however, the guidance at Annex A of PPS7 is still widely regarded as helpful in assessing proposals for new rural workers. The 6 appeals that he has participated in for Wiltshire have all made reference to Annex A guidance. The application is in outline only with no indication of size.

WC Highways do not object provided the dwelling is tied to a viable equestrian business.

Archaeology and **Ecology** officers do not object.

The site lies outside the threshold area for POS contributions.

8. Publicity

10 letters of support have been received including detailed responses from the Thoroughbred Breeders Association, The Brook Stud Bloodstock Ltd and Wessex Equine vets supporting the project and the need for someone to live on site.

9. Planning Considerations

Planning permission was refused for a dwelling under 13/06430/OUT because it was not considered at the time that a dwelling could be justified and it was also considered that without sufficient justification, the development was unsustainable.

The applicant has subsequently produced a business plan for the next 4 years indicating how the business will expand from its current one mare on site (with foal) up to 10 mares and foals. The Council's agricultural consultant has indicated that should the business plan be implemented as set out, then the business should be profitable. However, as it stands, the business is not viable. Whilst the business plan is being implemented there is a need for someone to live on site.

Under the previous guidance contained in PPS7 (Annex A) there was a requirement for an initial period (usually three years) that the accommodation was temporary, to enable the Council to be confident that the business plan would be implemented and the enterprise would get to a stage of profitability. Whilst PPS7 has been replaced by NPPF the guidance contained in Annex A is still regarded as being helpful in assessing similar proposals and has been used in recent planning decisions and appeals in Wiltshire.

The applicant has been approached about amending the application to a temporary dwelling for a 3 year period (to give the Council comfort that the business can achieve profitability and be sustainable). The applicant has refused to amend the application, arguing that he has 4 children and considers such accommodation to be unsatisfactory.

The concern is therefore, that should a permanent dwelling be granted at this stage, the business may not progress to profitability and the Council will have ended up granting a consent for a dwelling in the countryside without sufficient justification; a scenario that this Council, as others, seeks to avoid for the preservation of the countryside for its own sake. Once permission is granted that would be no incentive for the applicant to implement the business plan.

Whilst the advice in PPS7 is now not explicitly set out in the NPPF, it is clear from recent appeal decisions that it is still relied upon and a 3 year temporary dwelling is the appropriate course of action.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1) The application for a permanent dwelling in the countryside, without sufficient justification and viability, is considered to be contrary to policies C3 and H4 of the North Wiltshire Local Plan 2011 and the guidance in section 6 of the National Planning Policy Framework 2012.
- 2) The application for a permanent dwelling in the countryside, without sufficient justification and viability, is considered to be contrary to policies C3 and H4 of the North Wiltshire Local Plan 2011 and the guidance in section 6 of the National Planning Policy Framework 2012.

