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Your Ref: DC/23/2088
Our Ref: 10288-kt

23 February 2024

For the attention of Kate Turner
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Ms Turner,

Site: **Wattlehurst Farm, Dorking Road, Kingsfold, West Sussex, RH12 3SD.**
Reference: **DC/23/2088**
Application: **Outline Application for the erection of 1No. permanent rural workers dwelling with all matters reserved**

Thank you for your instruction dated 24 January 2024 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above planning application.

In preparing this response I have had regard to the Supporting Statement (dated November 2023) prepared by the applicant's agent, Kernon Countryside Consultants, and the associated plans and application form. I have been provided with confidential accounts for the applicant, trading as Chapps Limited, for the years ending 31 August 2021 to 31 August 2023.

I have not discussed the application with the applicant or agent, nor have I visited the site.

RAC were previously instructed by the Council to appraise planning application DC/20/0951 (RAC ref 8813-od) and concluded:

> *"The applicant proposes to establish and develop a new equine rehabilitation centre at Wattlehurst Farm. As part of that proposal there is considered to be a need for the siting of a log cabin for a temporary three year period.*
>
> *The log cabin would be occupied by the applicant, a key full-time equestrian worker at the application site.*
>
> *The applicant's application is supported by an Essential Needs Appraisal which provides details of the essential need requirement for an on-site presence.*

Overall RAC accepts that there is a need for a dwelling to support the applicant's equine rehabilitation enterprise. The dwelling would provide for the management of the enterprise and for the key worker to react promptly to any emergencies and ensure that the welfare of all horses on site is not compromised.

The applicant has produced a business plan with 3 year forecasts. RAC consider that the business plan and forecasts have been produced on a sound financial basis and that any labour costs for the two full-time workers proposed can be met by the projected net profit. This would be tested over the three year temporary permission if the Council were minded to approve the application.

The only concern RAC has with the planning application as detailed is the siting of an existing mobile home on-site for which no satisfactory explanation has been provided by the applicant or agent. RAC would suggest that the Council needs to establish its lawfulness.

Provided the mobile home has an appropriate permission and occupancy condition, the applicant's proposal to site a log cabin for a temporary three year period in support of her new equine rehabilitation enterprise is considered to be compliant with national and local plan policy."

Background

1. Wattlehurst Farm extends to 25 hectares and it is owned by the applicant's family. The land holding is mostly grassland with some areas of woodland.

2. The application site was granted permission in August 2020 for the change of use to equestrian uses and rehabilitation centre for horses and dogs, plus sand arena (ref DC/20/0958) alongside the temporary permission for the siting of a log cabin (ref DC/20/0951).

3. The Essential Needs Appraisal included in Appendix 1 of the Supporting Statement notes that the applicant's business has evolved slightly differently to the original proposal as part of the 2020 applications due to the effects of the Covid-19 pandemic.

4. The applicant, Charlotte Betchley, has delayed the construction of the sand arena due to the increase in cost of materials, labour and her maternity leave. The applicant still intends to develop the sand arena and in the meantime is able to hire an all-weather arena close to the application site when required. She utilised the five existing stables as well as the building approved under DC/20/0948 and uses the single separate stable as an isolation box.

5. The applicant has grown the business as projected in 2020, with five horses on site at any one time undergoing equine rehabilitation treatment, usually staying 2 to 6 weeks with each horse being treated at least three times per week. In 2023 there was an average of six horses in for rehabilitation on site at any one time.

6. In addition, the applicant provides physiotherapy for clients four days a week with rider physio and pilates and small animal physiotherapy is carried out one or two days each week.

7. The shop building was used as the treatment room for clients and small animals from 2020 following the closure of the shop due to the restrictions of Covid-19.

Proposal

8. This outline application proposes the erection of a permanent rural worker dwelling sited to the north-west of the existing mobile home approved under DC/20/0951.

Relevant Planning Policies

9. National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) updated in December 2023.

10. Paragraph 11 of the NPPF sets out the core land-use planning principles that should be adopted and these expressly include:

    - A presumption in favour of sustainable development;
    - Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change;
    - Provide for objectively assessed needs for housing and other uses;
    - Approving development proposals that accord with an up-to-date development plan without delay; and,
    - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission.

11. Paragraph 38 requires that decision makers:

    - should approach decisions on proposed development in a positive and creative way;

      work proactively with applicants to secure developments that will improve the economic; social and environmental conditions of the area;

    - seek to approve applications for sustainable development where possible.

12. Paragraph 82 et seq deals with housing in the countryside and notes;

    "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs…

    To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services…".

13. However, paragraph 84 maintains the presumption against isolated new dwellings in the countryside unless they are essential, noting:

    "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…"

14. Section 6 of the NPPF is concerned with 'Building a strong, competitive economy' and at paragraph 85 it notes:

    "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt…"

15. At paragraph 88 '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;…"

16. New Planning Practice Guidance titled 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section '*How can the need for isolated homes in the countryside for essential rural workers be assessed*'?

    These include:

    - *"Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
    - *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
    - *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
    - *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
    - *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period."*

    It further notes that: *"Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings"*

17. 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."*

18. 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."*

19. 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."*

20. 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.

21. 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

22. The primary test set out in the NPPF and Local Plan Policy 20 is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, the applicant considers it essential that there is a requirement to provide accommodation for a key equestrian worker at Wattlehurst Farm in order to ensure that the management and welfare of horses whether stabled or in turn-out paddocks and undergoing treatment at the rehabilitation centre is not compromised and, in addition, to provide some security for client's horses on site.
23. An assessment of the essential need for a rural worker to live at or near their place of work requires the following:

- 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.

24. Legislation requires that all animals are managed in a manner that accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display most normal patterns of behaviour, and it is accepted that without good stockmanship, animal welfare can never be adequately protected.

25. Under the Animal Welfare Act 2006 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means anyone responsible for an animal must take reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility or 'duty of care' for animal welfare for all the horses at the application lies with the applicant or her appointed deputy.

26. 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."*

27. The issue of security is also now acknowledged by the Police and Insurers to be an increasing problem in rural areas and outlying farms, especially where buildings, machinery and livestock are kept and are at risk of theft, fire, trespass and vandalism – and such risks can only adequately be managed with on-site supervision.

28. The accepted and existing Essential Need at Wattlehurst Farm are as follows:

    - the ability to have horses on site for weekly intensive treatments;
    - referrals from veterinary surgeons for client's horses requiring veterinary physiotherapy and rehabilitation treatments, and post-operative care;
    - the risks from horses being stabled significantly increases the risk of colic and other digestive and circulatory complications; and
    - the need for constant monitoring of horses whether stabled or in turn out paddocks for any changes that may indicate deterioration or complications.

29. RAC would note that veterinary surgeons and clients would expect such equine rehabilitation premises to have an on-site residential presence in order to react promptly to any emergencies that may occur. All stabled and grazing horses require supervisory care but where they are undergoing treated for, or are recovering from an illness or injury, that supervisory care can be intense over a 24 hour period.

30. The Council has previously accepted the essential need of the applicant's equine enterprise with the permitting of DC/20/0951 for the temporary dwelling and RAC considers that with this current application there continues to be a functional need for a full-time worker to reside on site.

<u>Financial Appraisal</u>

31. The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

32. In this context RAC considers any assessment of economic sustainability as the ability of the business/enterprise to utilise its resources which allows it to function properly; it has to have the ability and necessary funds available to stay in business.

33. Local Plan Policy 20 requires evidence to demonstrate the viability of the rural business for which the housing is required.

34. In terms of demonstrating viability, any viable business should be generating profits sufficient to provide a return on investment – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the minimum wage; and provide for the build cost of the dwelling.

35. Confidential financial accounts for the applicant, trading as Chapps Limited, for the years ending 31 August 2021 to 31 August 2023 have been provided.

36. The accounts for the years ending 31 August 2021 and 2023 do not include a detailed Profit & Loss Account but each year shows an increased turnover within the Income Statement.

37. It is understood that the two directors, the applicant Miss C M Betchley, and Ms J Vanstone, each take a salary which is included in the Expenditure for the business. In addition, the Balance Sheet shows that dividends were taken by the directors.

38. The Balance Sheet shows that the Total Assets less Current Liabilities demonstrate a positive net worth of the business in each of the financial years submitted.

39. Overall, RAC considers the applicant's rural business is financially sound with a clear prospect of remaining so and is compliant with national and local planning policy.

Conclusion

40. The outline proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by the applicant, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the equine and small animal rehabilitation business.

41. The dwelling will meet the established and continuing accepted essential needs of the equine enterprise and ensure that the management and welfare of all the horses kept on site is not compromised.

42. The applicant's confidential business accounts provided demonstrate that the applicant's business is viable and sustainable now and likely to remain so in the long term.

43. Overall, RAC would conclude that the applicant's proposal is compliant with national and local planning policy, in particular Policy 20 of the Horsham District Framework.

I trust these comments are helpful.

Yours sincerely,

Olivia Wojniak