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CONSULTANTS

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Your Ref: FG/8/20/PL  
Our Ref: 8771aw-1

6 May 2020

**For the attention of Andrew Wood**  
Arun District Council, Planning Department  
First Floor, Arun Civic Centre,  
Maltravers Road,  
Littlehampton,  
BN17 5LF

Dear Mr Wood,

**Application No: FG/8/20/PL**

**Proposal: Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports**

**Location: Eastlands, Littlehampton Road, Ferring, BN12 6PB**

I write further to your email of 27<sup>th</sup> April 2020 regarding the planning application submitted on behalf of Mr C Ellis for permission to erect an equestrian dwelling and associated facilities at Eastlands, Littlehampton Road, Ferring, BN12 6PB. Your email requests that Reading Agricultural Consultants Ltd (RAC) undertake an appraisal of the application with respect to the advice in the National Planning Policy Framework (NPPF) and the Arun District Council Local Plan 2011-2031.

It is noted that this appraisal has been prepared solely based on the material submitted with the planning application and that no site visit has been undertaken; there have been no discussions with either the applicant or his planning agent. However, RAC has a working knowledge of Eastlands equestrian centre having prepared two earlier planning appraisals in relation to an application for a temporary dwelling at the holding which was subsequently granted planning permission at appeal (RAC did not appear for the Council at that appeal).

#### Background

1. The background to this application is set out in the documentation submitted with the application and I extract the following points, for ease of reference.
2. The land at Eastlands extends to some 12.1ha (30 acres) and has been owned by the applicant since 2006 when it was purchased to support an existing equestrian enterprise at neighbouring Hangleton Farm which was subsequently sold.
3. The equestrian development of Eastlands commenced in 2009 when the applicant secured planning permission for a foaling unit to be operated in conjunction with the enterprise at



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Hangleton Farm. Since then there have been further developments such the holding now includes:

- a stable building containing 20 internal stables;
- storage for fodder;
- tack rooms
- offices; and full client facilities.

4. The appraisal submitted with the application states that:

*"...the stables have been built to the highest possible standards in terms of quality of materials and facilities. Every stable has a sealed cushioned rubber floor, water drinker, hay feeder and tack locker. All walkways are also covered with a cushioned rubber floor and there are two state of the art solariums incorporated within the wash / grooming stalls. The roof of the building is constructed with insulated composite panels to help regulate the internal temperature both in the summer and the winter. This is complemented by each stable having shutter windows for extra ventilation.*

*The extremely high standard of facilities has attracted clients who require the very best care and environment for their horses. Most of the horses stabled are competition horses who regularly compete in dressage, show jumping and eventing competitions. There is also a strong demand for pregnant mares to give birth and for both mare and foal to receive on going care during the first few months after birth which is such an important time".*

5. Planning permission for a temporary rural worker's dwelling was granted permission (at appeal) in June 2016<sup>1</sup> and the applicant now seeks permission to effectively convert that temporary permission into a permanent permission for a rural worker's dwelling.

#### Development Plan Framework

6. The Development Plan includes the revised National Planning Policy Framework (NPPF). Paragraph 78 and 79 state:

*" 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. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

*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..."*

7. Further guidance on the NPPF is provided in the Planning Practice Guidance. The updated text relevant to paragraph 79, published in July 2019, states:

*"Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:*

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<sup>1</sup> APP/C3810/W/15/3135188  
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- *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 an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 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.*

*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”.*

8. Local Plan policies are set out in the Arun District Local Plan 2011-2031. Rural workers' dwellings are dealt with at Policy H DM3, which states:

*“Outside the built-up area boundary planning permission shall be granted for dwellings for rural workers, subject to the criteria as outlined below:*

*1. Permanent rural workers' dwellings*

*New permanent dwellings shall be permitted to support existing agricultural activities on well-established agricultural units, providing:*

- a. There is a clearly established existing functional need i.e. essential for the proper functioning of the enterprise for one or more workers to be readily available at most times e.g. in cases where animals or agricultural processes require essential care at short notice or in order to deal quickly with emergencies that could otherwise cause serious loss of crops or products.*
- b. The need relates to a full-time worker, or one who is primarily in rural employment and does not relate to a part-time requirement.*
- c. The unit and the rural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.*
- d. The functional need could not be fulfilled by the conversion of an existing building on the unit, another existing dwelling on the unit or subdivision of an existing unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.*
- e. Rural workers dwellings shall be of a size commensurate with the established functional requirement. Rural workers dwellings that are unusually large in relation to the agricultural or forestry needs of the unit shall not be permitted.*

- f. *Rural workers dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings or other on site farm dwellings.*
- g. *Any planning permission granted will be subject to an occupancy condition, limiting occupation to a person solely or mainly employed in the locality in agriculture or forestry. Such conditions will only be removed if it can be demonstrated that the rural workers dwelling is no longer required for agricultural or forestry purposes or for any person solely or mainly employed in agriculture or forestry and that reasonable attempts have been made to market the rural workers dwelling for that use.*
- h. *Where appropriate, permission may be subject to a legal agreement preventing the future separation of farmhouses from any adjoining farm buildings/land”.*

### The Appraisal

#### ***There is a clearly established existing functional need***

9. Those keeping and caring for animals are governed by legal requirements, such as the Animal Welfare Act, 2006. Legislation also requires that 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,. Fundamentally, all animals should be able to “enjoy” 5 basic freedoms:
  - **Freedom from hunger and thirst** - by ready access to fresh water and a diet to maintain full health and vigour;
  - **Freedom from discomfort** - by providing an appropriate environment including shelter and a comfortable resting area;
  - **Freedom from pain, injury or disease** - by prevention or rapid diagnosis and treatment;
  - **Freedom to express normal behaviour** - by providing sufficient space, proper facilities and company of the animals’ own kind;
  - **Freedom from fear and distress** - by ensuring conditions and treatment to avoid mental suffering.
10. In this case there is an essential need to be readily available at most times to provide for the needs of the horses. This issue was examined at length during the 2016 appeal with the Inspector ultimately reporting:
 

*“It follows that having regard to the present facts and circumstances in this case, and on the basis of the evidence and argument put forward at the Hearing, I have concluded that the scale and nature of the enterprise proposed does give rise to an essential need for a worker to live on the site. Also taking into account the moderate harm to countryside and landscape protection objectives identified above, and the existence of the new foaling/livery unit building as a lawful development, I consider that a temporary planning permission would be consistent with the NPPF at paragraph 55 and emerging local plan policy. I have concluded that Appeal B should succeed”.*
11. Insofar as the scale of the equestrian operation is the same in 2020 as it was at the time of the 2016 appeal, it follows that the same conclusion should follow.
12. It is therefore accepted and agreed that there continues to be an essential need to be readily available at most times to provide for the needs of the horses.

### ***The need relates to a full-time worker***

13. The labour required to run a high-quality establishment such as Eastlands is considerable. Standard data published in the *ABC Equine Business Guide, 6<sup>th</sup> Edition, 2015* produced in association with Warwickshire College suggests a labour requirement of some 660 hours for each full livery horse, albeit reduced by 50% to reflect economies of scale on larger units. In this instance that would equate to some 6,600 hours, or 832 Standard Man Days (SMDs).
14. The labour on the holding is described in the supporting appraisal is described as including the applicant and his wife supported by two full time members of staff and this accords with the above calculation. It is therefore accepted and agreed that the yard requires the input of a full-time worker.

### ***Financial Sustainability***

15. The NPPG requires consideration of:

*“...the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;”* (emphasis added)

16. The Local Plan requires that:

*“The unit and the rural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.*

17. Insofar as the appeal that allowed the grant of permission for the temporary dwelling was granted in 2016 (and the unit has been owned since 2006) it is clear that the unit and the rural activity concerned have been established for at least three years.
18. The accounts that have been provided indicate a steadily improving financial position with:

|                                   | <b>2016</b>    | <b>2017</b>   | <b>2018</b>   | <b>2019</b>   |
|-----------------------------------|----------------|---------------|---------------|---------------|
| Income                            | 71,099         | 82,723        | 109,750       | 138,755       |
| Cost of sales                     | 36,603         | 17,687        | 31,891        | 47,548        |
| Administrative costs              | 70,435         | 53,871        | 61,159        | 68,678        |
| Solar income                      |                | 5,500         | 5,542         | 5,177         |
| <b>Net Profit</b>                 | <b>-35,939</b> | <b>16,665</b> | <b>22,242</b> | <b>27,706</b> |
| Director's remuneration           | 8,064          | 8,040         | 8,160         | 8,400         |
| <b>Profit before remuneration</b> | <b>-27,875</b> | <b>24,705</b> | <b>30,402</b> | <b>36,106</b> |
| Depreciation                      | 11,135         | 11,173        | 11,261        | 10,621        |
| <b>Profit before depreciation</b> | <b>-16,740</b> | <b>35,878</b> | <b>41,663</b> | <b>46,727</b> |

19. In terms of assessing the likely viability - or sustainability - of the business it is necessary that the net profit is sufficient to provide a reasonable return to the inputs deployed in the business - namely, land, labour and capital:

- a reasonable return to the land is considered the rental value of the land, say, £932<sup>2</sup>;

<sup>2</sup> Based on figures in the John Nix Farm Management Pocket book, 50<sup>th</sup> Edition for an FBT (£177/ha)  
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- a reasonable return for the labour required to run the unit equivalent to the living wage, or approximately £18,800;
- a reasonable return to capital is taken as 2.5% and assuming the fixtures are valued at £100,000 would require a return of £2,500.

20. These total £22,232 and it is clear that the profit in 2018 and 2019 was capable of meeting these requirements.
21. However, it should be noted that the accounts already include a figure for “Director’s remuneration” and this figure needs to be added back into the accounts prior to the calculation for the return to labour – as shown in the table above. Thus, the profit before remuneration in 2019 was £36,106 and is clearly able to meet the requirements above.
22. In addition, it is necessary for the business to be able to fund the build cost of the dwelling. This has been estimated at £205,000 and will cost a further £10,455 per annum to fund<sup>3</sup>. Thus the total profit required to meet the financial sustainability criteria is £32,687 and was met in 2019.
23. It is therefore accepted and agreed that the yard is able to demonstrate financial soundness, and indeed the financial position is clearly improving each year.

***The functional need could not be fulfilled by the conversion of an existing building on the unit, another existing dwelling on the unit or subdivision of an existing unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.***

24. In the absence of a site visit I am unable to comment on whether there are other buildings on the unit that could be converted to meet the identified need, but this point was clearly met at the time of the 2016 appeal. Likewise, the Inspector commented that accommodation in Ferring would not “provide a reasonably practical alternative”.

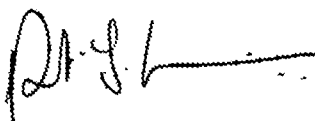
***Rural workers dwellings shall be of a size commensurate with the established functional requirement. Rural workers dwellings that are unusually large in relation to the agricultural or forestry needs of the unit shall not be permitted.***

25. The size of the dwelling, with an internal gross floor area of some 180m<sup>2</sup>, whilst large is not unusually large, especially as the Planning Statements notes that part of the house will provide “a spare bedroom for employees, horse owners and/or vets when care is needed through the night”.

***Rural workers dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings or other on site farm dwellings.***

26. The siting of the dwelling is close to the stables and appears appropriate to meet the identified functional need. I trust that these comments assist you in your deliberations.

Yours sincerely



Peter J Williams BSc, FBIAC

<sup>3</sup> Based on a 40-year mortgage @4%  
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