

1.0 Application Number – [2/2018/1486/FUL](#)

Site address: Hawkes Field Farm , Hillside, Hilton, DT11 0DN

Proposal: Erect 1 No. dwelling

Applicant name: Mr & Mrs M Gillard

Case Officer: Mr J Lytton-Trevers

Ward Member: Cllr Jill Haynes

REASON APPLICATION IS GOING TO COMMITTEE: At request of Head of Planning.

2.0 Summary of Recommendation: APPROVE subject to conditions

3.0 Reason for the recommendation:

- This is an established horse racing and training yard. There is a good set of stables, as well as an all-weather gallop on-site. To function properly in the future the owner/manager does need to live on-site, which in turn frees up the office building to return to an office and staff rest area.
- Sufficient information has been provided to demonstrate the business is making an annual profit and is financially sound.
- The dwelling would be of a size, design and siting to meet the need.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The full time, functional and financial tests are met.
Alternative Accommodation	There are no alternative dwellings in close proximity and the office should be returned to its original use as an office rather than continue to be used as a dwelling.
Type and Size of Accommodation	The dwelling would be of appropriate size to meet the needs of the enterprise.
The accommodation is appropriately sited	The dwelling would be in sight and sound of the enterprise.
Character and appearance of the Area of Outstanding Natural Beauty	The design is acceptable and the landscape of the AONB would be preserved.
Other matters	There are no significant issues.

5.0 Description of Site

Hawkes Field Farm is located between the villages of Hilton and Ansty. It is in an elevated position within chalk downland designated within the Dorset Area of Outstanding Natural Beauty. It is accessed from the road through a field gate. Bridleway E10/30 passes through the site and joins footpath E10/29. There is one principal equine barn consisting of 20 loose boxes and a converted office barn, currently being used for accommodation for the applicants. There is an all-weather horse gallop across the farm. It totals 30 acres.

6.0 Description of Development

The proposal is to build an occupational dwelling near the existing stables. The accommodation would be a 3 bedroom house with an internal floor area to be 140 m². The applicants run a horse racing business. The existing office block and converted accommodation would continue to be the racing yard office but rather than the owners residing in the residential part, it would be used as staff rest room and temporary accommodation for staff that needed to stay overnight.

7.0 Relevant Planning History

Application: 2/2014/0085/PLNG
Proposal: Erect 1 No. haystore and storage container (retrospective) and 1 No. tractor/storage (for horsebox) barn.
Decision: Approve
Decision Date: 21.08.2014

Application: 2/2013/1403/PLNG
Proposal: Application to vary Condition No. 2 against Planning Permission 2/2011/0584 to allow amendments as shown on submitted plans. Form external stairs and door on north elevation, form 1 No. window on south elevation, amend roofing to profile sheeting, change position of window and door on east elevation and amend internal layout as shown on the floor plan.
Decision: Approve
Decision Date: 05.03.2014

Application: 2/2011/0584/PLNG
Proposal: Erect new building and single storey extension to existing building.
Decision: Approve
Decision Date: 08.07.2011

Application: 2/2008/0309
Proposal: Change of use of land and buildings from agriculture to equestrian use.
Decision: Approve
Decision Date: 15.05.2008

Application: 2/2007/1141
Proposal: Change of use from agricultural (Sui Generis) to agricultural/equestrian (Sui Generis, Class D2)
Decision: Refuse
Decision Date: 17.12.2007

8.0 **List of Constraints**

Agricultural Land Grade - Grade: GRADE 3
Area of Outstanding Natural Beauty - Name: Dorset
Public Rights of Way - Route Code: E10/30, Path Type: Bridleway

9.0 **Consultations**

Wessex Water

Consulted on the 3 December 2018, their comments dated 5 December 2018 are as follows:
No objection.

Transport Development Management

Consulted on the 3 December 2018, their comments dated 14 December 2018 are as follows:
No objection conditional of turning and parking construction.

Rights Of Way

Consulted on the 3 December 2018, their comments dated 2 January 2019 are as follows:
Comment
Within vicinity of a right of way.

Independent land agent

Consulted on the 3 December 2018, their comments dated 29 October 2019 are as follows:
Support.

Abbey Ward

Consulted on the 3 December 2018, their comments dated 23 February 2019 are as follows:
Request for committee decision.
The design and location of the proposed dwelling would be damaging to the appearance of the Dorset AONB.

Hilton Parish Council

Consulted on the 3 December 2018, their comments dated 9 January 2019 are as follows:
Comment

The proposed building would not be suitable in the Dorset AONB & outside the village settlement boundary.

The design of the building features large windows which would cause light pollution at night, especially as the site is elevated.

The construction materials & height of the proposed property also raised concerns.

Concern was raised over the building of a property connected to a business, what happens to the property once the business ceases to trade?

Request that this application is sent to the Planning Committee.

10.0 Representations

19 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 12 objected to the proposal and 7 supported the proposal.

12 Objections:

Prominent, high ground and would be harmful to the Dorset Area of Outstanding Natural Beauty.

The dwelling would be 7.65m to ridge height with large windows on the first floor of the west, east and south elevations which have undoubtedly been designed to take advantage of the distant views towards the Dorset Gap, Purbeck Hills and the Hilton/Milton Abbey valley.

At night, light from these windows would appear as a beacon.

The materials, brick with stained timber cladding are not vernacular.

The Training Yard has been based at Hawkes Field Farm since 2008 with the owner living approximately 5 miles away and has, according to the Appraisal, grown during that time without anyone living on site. It is therefore difficult to understand why this has suddenly become a necessity.

Question if a hobby business.

Existing tracks and buildings unsightly.

Previous enforcement in respect of a noisy generator.

Retrospective permission was sought for a hay and tractor store.

A footpath through the site is obstructed and has been ever since the stables were built.

The site is currently appears to be used for the disposal of commercial waste by burning and for textile recycling.

The office building appears to be used as a dwelling.

The business has been established for at least three years, it has been profitable for at least one.

7 Supporters:

Brings commerce to the area (employing staff, local petrol, shopping in local stores, hay and bedding from local farmers, mechanics to fix all machinery and vehicles, local farrier, local saddlery for repairs, local feed merchant, local Pub).

The applicants need to live on site to run business and ensure health and security of horses.

The building would enhance the landscape.

Terrain is good for horse riding.

Have known the applicants for many years.

11.0 Relevant Policies

North Dorset Local Plan Part 1 (2011-2031):

Policy 1 - Sustainable Development

Policy 4 - The Natural Environment

Policy 23 - Parking

Policy 24 - Design

Policy 25 - Amenity

Policy 33 - Occupational Dwellings

National Planning Policy Framework (2019):

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.

Dorset AONB Management Plan 2019-2024

12.0 Human rights (standard text)

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty (standard text)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations.

14.0 Financial benefits

Jobs would be created during the construction stage.

Jobs would be created by improving the running of the racing stables with the enhanced accommodation and ability to undertake its ongoing management. The dwelling would generate council tax and the enterprise business rates.

15.0 Climate Implications

The dwelling would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the building.

16.0 Planning Assessment

Principle

The principle of occupational dwellings to meet the needs of a rural enterprise is supported by the NPPF in paragraphs 78 and 79 and policy 33 which requires a proven full time, functional and financial justification for the dwelling. The applicants’ case for a dwelling to support the horse racing business is considered below.

The NPPF sets out in paragraphs 78 and 79:

'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;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Policy 33 of the Local Plan sets out for occupational dwellings in the countryside the following policy:

Permanent Occupational Dwellings

A new permanent dwelling for an agricultural, forestry or rural worker will only be permitted if:

- a) the need relates to a full-time worker and does not relate to a part-time requirement; and*
- b) there is an essential existing functional need for a worker to live at, or in the immediate vicinity of, their place of work; and*
- c) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and*
- d) the functional need could not be fulfilled by any other means; and*
- e) it is of the minimum size and an appropriate design commensurate with the established functional requirement and reflective of the enterprise's financial projections; and*
- f) it is sited so as to meet the identified functional need and is well-related to existing farm, forestry or rural business buildings, or other dwellings.*

Temporary Agricultural Workers' Dwellings

A new temporary dwelling for an agricultural worker will only be permitted if:

- g) the need relates to a full-time worker and does not relate to a part-time requirement; and*

h) it is essential to support a new farming activity for which there is a clearly established functional need for the worker to live on or in the vicinity of the holding; and
i) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and
j) the functional need could not be fulfilled by any other means; and
k) it takes the form of a caravan, a wooden structure, or other temporary accommodation of the minimum size required to support the proposed new farming activity.

As this application is for a permanent dwelling to house the owner/manager of the business, it is evaluated as follows.

Full-time Test

The need relates to a full-time worker and does not relate to a part-time requirement.

The running of the racing yard and business would relate to a full-time requirement.

The Functional Test

There is an essential existing functional need for a worker to live at, or in the immediate vicinity of, their place of work.

The applicants operated a Racing and Textile Recycling Business from Elm Tree Farm from 1990. The applicants moved the Racing Business to Hawkes Field Farm in 2008. A member of staff lived full-time on-site for licensing purposes from that date, in an existing caravan, which was replaced in 2010. Permission was granted for the office/staff room building in 2011 and erected in 2013. The office building has been converted to provide residential accommodation for the applicants (without permission).

The applicants vacated Elm Tree Farm in April 2018. The office activities of Elm Tree Textiles were relocated to Hawkes Field Farm, while the warehousing remained and still remains at additional storage facilities nearby. The Textile Collection Vehicles are currently parked overnight at Hawkes Field Farm, and the necessary Environmental Waste permits have recently been granted to Hawkes Field Farm to facilitate the activities of Elm Tree Textiles at the site.

Up to 20 race horses are kept and trained at the farm. These, like many race horses are either client owned or owned by the business, or a combination of the two. The yard is managed by the applicants who employ four grooms/riders (one part-time) and two yard assistants.

In running this racing yard there will be daily tasks such as; mucking out, feeding, grooming etc. but also the training and exercising the horses each day. There

will be a requirement to inspect the horses outside normal working hours. This will be particularly important for returning horses after a racing day. Such horses can leave early and be returned to the yard late. They are likely to travel some considerable distance to and from races. For a yard of 20 horses in-training, there will be several horses leaving and returning at different times, destined for different racing events. The owners of the horses require the stables to have on-site care to ensure their welfare at all times, without on-site accommodation this would not be possible and therefore the business would not be able to operate. To manage the yard and horses correctly, there would be a functional requirement for a suitably qualified person to be available on the yard at all times.

The textile recycling business's office activities and overnight storage of textile collection vehicles are based at Hawkes Field Farm. However, these functions do not detract from the principal purpose or functional need to live on-site to run the equine racing yard. Therefore, on this basis, there is a functional need for a rural worker to reside at this site.

From the evidence this is an established racing yard. There is a good set of stables all within one larger barn that is being occupied by up to 20 horses. There is also an all-weather gallop on hand. For these reasons the business is well established and has the infrastructure to remain a racing yard and horse training holding. Because of the number of horses that are both being trained on-site as well as moving back and forth to racing events, it is impractical to run the unit without accommodation on-site. Animal welfare considerations, as well as the disinclination of horse owners to leave their horses on an unoccupied site, all support the case for accommodation.

Financial Test

The economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council

The applicants run two businesses, the racing yard as well as a non-equine textile recycling business. The applicants' accountant has provided (on a confidential basis) the profit and loss accounts for years 2015 – 2019 and the balance sheets for 2017 - 2019. These show a consistent net profit above the living wage plus a balance to reflect a return for the business. The balance sheets show the business is financially sound.

On the evidence the yard is being run on a commercial basis and the financial return shown in the profit and loss accounts is sufficient to demonstrate the business is viable. The capital balance sheets show the business is financially sound.

Alternative Accommodation

The requirement is whether the functional need could not be fulfilled by any other means. The racing yard is in an isolated location. The nearby village of Hilton is too far away to meet the functional need.

The question of retaining the existing office accommodation as the principal dwelling is constrained by the following:

The office accommodation would require significant alterations;

There would be insufficient space to also accommodate a staff room or overnight sleeping areas; and,

The ability to entertain clients or manage various aspects of the business, separated from a staff area would be curtailed.

There are benefits for the staff rest room to be separated from the main residence of the manager/proprietor. As the existing office building is already designed for the office and staff rest area, it would be more pertinent and practical to provide a separate dwelling for the manager rather than retain the office as the key worker accommodation and build a new staff facility.

Type and Size of Accommodation

The requirement is that the dwelling is of the minimum size and an appropriate design commensurate with the established functional requirement and reflective of the enterprise's financial projections.

The bench mark floor area for newly constructed North Dorset rural farm manager's dwellings has been set at a GIA of 140 m². This figure was derived from 120m² for the living area and 20m² for office and store. The proposed design sets out that the GIA would be 140 m². However, in this case the yard already benefits from an office, so there would be a case to reduce the size of the proposed dwelling by 20 m². However, the applicants also seeks overnight accommodation for visiting horse owners, so the extra space would be beneficial to the business. The amount of accommodation is considered to be appropriate.

The accommodation is appropriately sited

The requirement is that it is sited so as to meet the identified functional need and is well-related to existing farm, forestry or rural business buildings, or other dwellings. The location, from a rural point of view, would be good being near to the stables.

Character and appearance of the AONB

The land is on high ground and set back from the road and is almost skyline when viewed from some directions. The buildings which already exist form a

group to which the proposal would sit alongside. In this respect it would not create undue additional massing when seen in this context. The proposal would not be any more prominent than those buildings that exist. The regressive colour of the proposed materials would help reduce its appearance.

There has been concern that the large windows at first floor have been designed to enjoy the views (which maybe true) and that the lights inside the building would be seen at night if windows are left uncovered. It is considered that any light emanating from windows would be limited given the number in question. More conspicuous lighting is that used to flood light outdoor areas such as used around buildings or riding arenas, and this could be controlled by condition.

The design of the building appears to resemble a barn with the absence of first floor windows excepting for reference to a hay loft and roof lights thereafter. The Juliet balconies would not be unduly noticeable and the gable feature would resemble that found on a threshing barn. The references to a vernacular design would mitigate any landscape impact.

Being aware of the elevated location of the proposed dwelling, from a rural business point of view, the accommodation does not need to be a stand-alone building. The functional need could be met from a different designed building. For example, it could be attached to the existing office accommodation and be single storey. The applicant approached the Council prior to submission of this proposal and changes were made to the design at the suggestion of officers to reduce the impact. A single storey proposal was never presented to the Council to make comment on and it was not seen as necessary to do so at that stage before an application had been made. On balance, therefore, the design as proposed is considered acceptable.

Other matters

Whilst it has been raised that the business has been based at Hawkes Field Farm since 2008 with the owner living some distance away, this situation has been demonstrated to be less than ideal and has led the applicant to reside in the office to make the enterprise succeed.

There is no evidence to indicate that this is a hobby business.

The existing tracks and buildings which some consider are unsightly do not form part of this proposal.

Previous enforcement history does not prevent this proposal from being decided.

There is no comment from the right of way officer to indicate that the footpath through the site is being obstructed.

It the site is being used for the disposal of commercial waste by burning and for textile recycling, this should be reported and pursued under separate communication as it does not relate to the proposal.

The biodiversity report was negative.

There would be no neighbours directly affected.

The access arrangements would be adequate to serve the development.

17.0 Conclusion

This is an established horse racing and training yard. There is a good set of stables, as well as an all-weather gallop on-site. To function properly in the future the owner/manager does need to live on-site, which in turn frees up the office building to return to an office and staff rest area. Sufficient information has been provided to demonstrate the business is making an annual profit and is financially sound. The dwelling would be of a size, design and siting to meet the need. The scenic beauty of the AONB would be preserved.

18.0 RECOMMENDATION Grant, subject to conditions.

CONDITIONS:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Location Plan, 120-3 forming the approved application.
Reason: For the avoidance of doubt and to clarify the permission.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, horticulture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry or keeping race horses (including any dependants of such person residing with him or her) or the widow or widower of such a person.
Reason: This permission is only granted having regard to the need for this dwelling to house an agricultural, horticultural, forestry or equestrian worker.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order)(with or without modification) no outbuildings, improvements, alterations and enlargement of the dwelling permitted by Classes

A, B, C, D and E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed, other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority to retain control over the development of the site and to make the dwelling affordable for an essential worker.

5. Before the development commences a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps) shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter. No further external lighting shall be installed on site without the prior approval, in writing, of the Local Planning Authority.

Reason: In the interest of the character and appearance of the Area of Outstanding Natural Beauty and public safety.