MPC
MacDonald Planning Consultancy

Ellie Jones LLB (Hons) MSc MRTPI

MPC
Field View
58 Spon Lane
Grendon
Nr Atherstone
Warwickshire
CV9 2PD

Phone: 01827 714452
Mobile: 07791 186925
Email:elliejones@macdonaldplanningconsultancy.com

Louise Forman
Planning Department
Hinckley and Bosworth Borough Council
Council Offices
Argents Mead
Leicestershire
LE10 1BZ

20th July 2010

Dear Louise,

RE: Siting of temporary occupational dwelling at Land off Congerstone Lane, Barton in the Beans, Leicestershire 10/00469/FUL.

Thank you for the copy of Mr Coombe's appraisal which I received on 19th July 2010. I have now had the opportunity to review the appraisal and, on behalf of my client, wish to raise the following:

1. I note that Mr Coombe has only carried out a desk top appraisal and has not, therefore, visited the application site. Taking into account the particular circumstances of this case with regard to siting, landscaping and topography and, the bearing these factors clearly have upon the security of the site, I consider this approach to be completely insufficient. In order to be able to fully assess the merits of this proposal a site visit should be carried out by Mr Coombe before reaching any final conclusions. I suggest the approach taken to date is seriously reconsidered.

With regard to the conclusions reached within Mr Coombe's report I make the following points:

1. <u>Functional test</u>

   Whilst acknowledging that the functional test of PPS7 is met by both the existing and proposed number of horses, Mr Coombe's appraisal concludes that the functional test could be satisfied by other dwellings which are both suitable and available for purchase within the village. Reference here is made to two properties; one along West End situated approximately 60

metres from the site entrance and the other located approximately 100 metres away by road.

In response to Mr Coombe's conclusions:

a) The fact that Mr Coombe has not visited the site suggests he has failed to appreciate the site's topography and the fact that there is no natural surveillance of the stables from outside of it. Thus, even if the applicants were located within the village they would not be able to provide the necessary on site presence required for both the animals' welfare and security. Neither of the properties suggested by Mr Coombe have views of the stables. Moreover, whilst the property along West End might be some 60 metres from the site entrance as the crow flies, in real terms it is further away. This is before you take into account the length of the access drive which extends over a blind hill down to the stables.

   To date, intruders have gained access to the site from Congerstone Lane (i.e. at the bottom of the field outside of the village), endangering the welfare of both the horses and road users. This has happened in excess of ten times. According to the door to door enquires conducted by the police no one living anywhere within the village, including in the locations suggested by Mr Coombe, has either seen or heard anything. This reaffirms the point that a property within the village would fail to provide the necessary on site presence required for security reasons.

   The police/crime scene officers have previously suggested to the applicants, that taking into account the remote location of the stables, the villagers are unlikely to see anything. The applicants were advised that an on site presence would be the only solution to the theft and animal welfare issues they have experienced at the site.

   Even if the purchase of a village property were combined with the use of CCTV, the result would not be the same as an on site presence. It is not possible to monitor a CCTV camera 24 hours a day, 7 days a week. Whilst there would clearly be periods where the applicants would be sleeping when living on site, they would still retain a presence and would be able to rely on their senses (sound, sensitivity to lights etc) to detect any problems. In any event, discussions with the police officers and crime prevention groups have suggested, that because the only light to the site is gained by motion censored lighting it would be easy for intruders to avoid the sensors and thus go undetected by the CCTV cameras.

b) Mr Coombe incorrectly suggests the applicants' current property has managed to meet the functional requirement to date. The extent of thefts and the number of occasions where horses have been left to roam free at significant risk, clearly demonstrates that the applicants' existing property has not met the functional test with regard to security and animal welfare. Only good fortune has prevented any serious harm being caused to the highly valuable livestock from either

the lack of security or from other emergencies relating to fire or the health of the horses. Furthermore, Mr Coombe's report also fails to recognise the plans to provide foaling livery on site which clearly intensifies the need for a permanent on site presence for the animals' welfare which would not be met by the applicants' current property.

c) Mr Coombe suggests the proposed siting of the temporary dwelling (approx 45 metres away from the stables) is not sufficiently related to the existing buildings to meet with the requirements of paragraph 11 of Annex A of PPS7. However, within the same report he concludes a dwelling located some 60 metres (as the crow flies) from the access point and thus, in excess of 400 metres away from the stables with no surveillance of the site would be sufficient. This is clearly contradictory.

d) Whilst there are two properties available for purchase within the village, the applicants are not able to fund the purchase of such a property at this juncture. The cost of such a purchase is significantly greater than the cost of providing a temporary dwelling. In any event, as stated at (a) above, another dwelling located within the village would not provide the necessary on site presence in order to meet with the functional requirement. The applicants' intention is to let their current property whilst residing on site in Barton in the Beans. If planning permission were subsequently granted for a permanent dwelling the sale of the property in Sibson would fund the build cost of a dwelling.

2. Financial Test

Mr Coombe's report suggests the financial test of PPS7 is not met because the profit and loss account provided does not suggest a permanent dwelling could be sustained on site after three years. This conclusion has been based on the fact that details of the applicant's (Laura's) salary is missing from the business plan, as well as, details relating to the cost associated with purchasing additional hay and feed for off site sale.

In response:

a) PPS7 does not require an application for temporary planning permission to demonstrate the enterprise could support a permanent dwelling. Profit and loss projections are merely estimates and therefore, the assessment of whether or not the enterprise can support a permanent dwelling should not be carried out at this stage. Instead, this should be judged at the end of three years in order to allow for actual profit and loss to be assessed. The relevant test is whether or not the enterprise could support a full time worker (see point 2(b) below). This point is reaffirmed at paragraph 5 of appeal decision APP/B3030/A/08/2089185 which has been provided by Mr Coombe.

b) Mr Coombe highlights paragraph 13 of PPS7 and the fact that the Council should not normally grant successive extensions to a temporary permission over a period of more than three years. However, this statement should not be read in isolation as is implied

within the appraisal. If after three years the actual profits show the site cannot sufficiently support a permanent dwelling, the decision to refuse permission for either a permanent dwelling or an extension to temporary permission should be taken at that stage. It should not prevent the grant of permission for a temporary dwelling from the outset and certainly not when the enterprise is able to demonstrate it can financially support a full time worker (as is the test required by PPS7).

c) Mr Coombe agrees with the level of labour required to support the enterprise. However, he suggests the profit and loss forecast is inaccurate because it does not include a salary for the applicant (Laura). The applicant has purposefully decided not to take a salary from the business in the first three years. This is not unusual practice for someone establishing a new business (all expenses including mortgage repayments, rates and utilities are provided for). The livery business is a passion of Laura's and it is not the only source of income for the applicants' (Matthew runs his own very successful business). Laura has decided not take a salary in order to continue investing into the business. The forecasts do, however, make clear provision for the salaries payable to additional staff over the three year business plan. This clearly demonstrates that the business can support not only a full time worker from year one but also additional employees beyond the first year.

d) The applicants have also set up a breeding program from their own stock. In fact, as is stated within the planning statement submitted as part of the application, the applicants' horse is already in foal. It is estimated that the breeding programme will produce profits of around £2000 per foal (based on previous experience). This would clearly make a difference to the projected profit.

However, as is clearly explained within the planning statement, the applicants would not wish to expand the business further (i.e. by providing foaling livery and continuance of the breeding programme) without being in the knowledge that they can provide the necessary on site care for the animals. This is particularly the case for the dedicated breeding program as it costs approximately £2000 to get a mare into foal and carried to full term. It is well known that foals are targeted by thieves as they are easier to lift out of fields and it only takes a short time for the foals to look distinctly different. Other owners would certainly not wish to leave their breeding investments at an unprotected site.

e) Mr Coombe also refers to the absence of details relating to the additional cost of purchasing hay and feed for off site sale. The inclusion of off site sales within the "assumptions" section of the business plan is an error and should be deleted. This was never planned as an important part of the business. The cost of all hay and feed is covered by the liveried horses at a profit to the applicants. You will note that full livery fees include fees for hay and feed and a condition of the DIY livery service is that all hay and feed must be

purchased from the owners without exception. If any hay or feed is sold off site it will be the overspill from the year before rather than any additional bought in. Purchasing a fixed amount each year ensures the liveries are appropriately supplied whilst allowing the applicants to assess how much overspill can be sold off. The mark up applied to the hay and feed (as part of the livery fee) means the initial payment is covered before any additional stock is sold (if needed). Accordingly, there is no reduction to the projected profit for the purchase of additional hay and feed as suggested in Mr Coombe's report.

f) As previously advised, the applicants have also recently received a grant towards the remaining works for the stables at a value of £25,000. This should also be included as additional investment income as part of the business plan.

g) Finally, the profit and loss forecast has been conservatively produced. It is anticipated that the actual profits will be greater than those suggested. In these financial times we believe this to be a prudent approach and one which would be supported by the applicants' accountant and bank.

The applicants have plans to provide additional services including: stud livery, a horse clipping service, hiring the ménage to the local pony club and other riders. However, these services are to be developed once the business has been able to become more established. This too will depend upon the development of the business over the course of the next three years and will ultimately impact upon the projected profit.

3. Paragraph 11 of Annex A of PPS7

As referred to at paragraph 1(c) above, Mr Coombe considers the proposed temporary dwelling is insufficiently sited in relation to the existing stables in order to meet with the requirements of paragraph 11 of Annex A of PPS7.

In response:

a) This conclusion is in direct conflict with that previously reached by the case officer. Following a site visit the case officer confirmed that the proposed siting was the best location for the building because it not only met with the functional need but it responded to the natural topography of the site. Mr Coombe has not carried out a site visit and, therefore, can only base his conclusion upon an assertion from the block plan. This reaffirms the clear requirement for Mr Coombe to visit the site.

b) As highlighted at 1(c) above, this conclusion also contradicts Mr Coombe's conclusion that a dwelling located elsewhere within the village would be sufficiently related to the existing buildings to meet the functional requirement.

I trust the above points will be carefully considered before any final decision is made with regard to the recommendation to Planning Committee. I also trust that the details of this letter will be included within the Committee report.

We would be happy to meet with Mr Coombe on site at his earliest convenience.

Yours sincerely,



Ellie Jones LLB (Hons) MSc MRTPI