



To:
The Planning Department
South Holland Council

1 February 2016

Dear Sir/ Madam

**Site to the rear of 621 Broadgate, Weston Hills, PE12 6DP.
Proposed flexible mixed use of Horse Livery and/or B1 & B8 uses**

The applicant, Miss Jacqueline Phoenix, is in the process of very complex family legal issues and is endeavouring to build up her own horse livery business to secure independence. Prospects for a business is constrained by historic planning restrictions related to a previous business use on the site. As explained in the attached report, a degree of flexibility is sought to enable the business to grow and change over the next 5 years as her market is developed.

A Business Plan is attached as Appendix 4.

The main building on this employment site (Buildings marked 'W' –for workshop- on the site plan) is restricted by conditions in permission H22/0838/00 for use for aircraft repair *only*, a use that has now relocated. This is a remarkably narrow restriction and is preventing the re-letting of the premises. Rather than seek variation of the unwanted condition, this application seeks to move forward with a composite application that enables a full and correct use of the whole premises.

1

This application seeks to put the employment site on a new footing. It is for a flexible use for:

- either** 1. *B1 use* (offices, light industry) **and/or** *B8 use* (warehousing and distribution) only in the workshop area (Buildings marked 'W')
and/or 2. *Livery including the potential for alternative use of the workshop area marked W as an indoor manege,*
and 3. *temporary retention of the caravan for residential occupation* offering security and welfare whilst the new livery business establishes itself.

Please note that security dogs are in active use at the premises; site visits must be by appointment only arranged through the agent.

Yours sincerely,

Gordon Smith, MRTPI



Contents

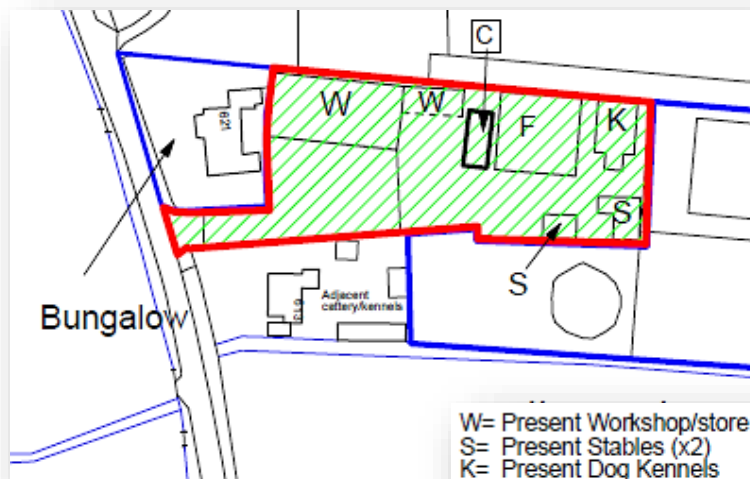
1. Precis.....	2
2. Reasons for the application.....	3
3. Elements of the mixed use and their reason why flexibility of use is sought	4
4. Other material planning considerations.....	4
Character of the area	4
Previous recent uses were an aircraft crash report operation.	4
Flood risk	5
5. Suggested conditions	7
6. Other relevant information.....	8
Appendix 1. Aerial view and Site Plan 1	9
Appendix 2. Site Plan 2	11
Appendix 3. Permission H22/0838/00.....	13
Appendix 4: Business Plan	15

1. Precis

This application is for a flexible use as shown on submitted Plan 2 for:

- **either** B1 use (offices, light industry) **and/or** B8 use (warehousing and distribution) on the workshop area (Buildings marked 'W')
- **and/or** Livery including the potential for alternative use of the workshop area (marked 'W') as an indoor manege,
- **and** temporary retention of the caravan for security and welfare whilst the new business establishes itself.

Establishment of a new business, particularly in the horse care field that has very low profitability, requires flexibility and funding. In broad terms Phase 1 will be to secure the re-letting of the premises at 'W' to generate funds. Phase 2 will be the development of the livery business, with the potential for future use of Workshop 'W' as an indoor horse training facility.



W= Present Workshop/store and prospective Indoor Riding School
S= Present Stables (x2)
K= Present Dog Kennels
F= Present Feed and horse tackle store
C= Siting of temporary manager's Caravan (5m x 12m)



2. Reasons for the application.

The site plan is attached as Appendices 1 & 2. The applicant's business plan as Appendix 4.

The applicant intends to establish a new business on the site. This will be primarily a livery business - not a riding school. It will care for others' horses with a particular focus on rehabilitation (as explained fully in the business plan). Miss Phoenix also intends to develop the larger workshop unit on the site (the Building as marked 'W' on Plan 2) as an *internal* riding manege. Whilst developing her business, the same unit will be let out for interim commercial purposes.

However, future productive use of the present site is inhibited by two planning conditions (conditions 3 & 4 of H22/0838/00, attached as Appendix 3) that both

- restrict the use of the existing workshops to occupation of the bungalow at No 621, and
- limit the workshop use for aircraft repair and mail order sales only.

To allow for productive use, a new single more flexible permission is sought that recognises the interaction between the various uses and allows for their reasonable control. Permission is sought for a flexible mixed use for the whole site that allows current horse stabling and emerging livery use to continue whilst unused space is marketed for commercial use (workshop and storage). Flexible permissions are enabled by the GPDO¹. Planning conditions are suggested at % below.

3

The business model is a sustainable one that recognises the narrow profit margin for new businesses of this nature. The income from interim commercial use will enable cross subsidies to occur whilst the new livery business is developed. The certainty of a permission for a changeable use is essential.

The associated retention of the caravan is a temporary (but necessary) feature to allow for a manager to live closer to the stables and horses for both security and welfare reasons. The present bungalow is too remote for effective horse welfare and security given intervening structures.

¹ Extract from GPDO 2015 (SI 2015:5956)

Class V – Changes of use permitted under a permission granted on an application

Permitted development

V. Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.

Development not permitted

V.1 Development is not permitted by Class V if—

- (a) the application for planning permission referred to was made before 5th December 1988;
- (b) it would be carried out more than 10 years after the grant of planning permission;
- (c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or
- (d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.



3. Elements of the mixed use and their reason why flexibility of use is sought

a. The bungalow at 621 Broadgate is rented out as a house in multiple occupation. This use is legitimate provided the number of occupants does not exceed 6. No change is proposed here. Given the long thin nature of the site (with fields stretching eastwards away from the bungalow) the house is too remote from fields and stables to enable effective welfare and security.

No action is necessary under this application

b. The workshop area to the rear (previously occupied as an *aircraft repair workshop*) is heavily constrained by its planning permission H22/0838/00). It can only be used by occupiers of the bungalow, and can only function for mail order sales, and aircraft repair. Condition 3 and 4 of permission H22/0838/00 restricts the workshop use to an impossible degree that it is not possible to let it out. It therefore has no present value.

Action is necessary to allow the unit to be let out independently of the bungalow, without limitation to aircraft etc. repair. Given the proximity of the bungalow to the business, limitation to B1 and B8 use only is proposed (i.e. no general industry).

c. Retention of the caravan. This requires permission. Its purpose is to accommodate the site manager in a key position that provides effective security for the livery area and grazing area. It will persist as a home only whilst the business is establishing itself (5 years). Once the business is running it will function as a classroom and meeting space for running the livery. It is possible that once funds allow the bungalow will be replaced or remodelled to function more effectively as manager's accommodation.

Permission is sought for a temporary 5 year period

d. The stables, kennels and use of the land for horse grazing. Stabling, training and development are all lawful in planning terms as it has proceeded in excess of 10 years (the kennels were built in February 2005, and the horses were there at the same time). This area is therefore largely outside the present application site.

No action is necessary.

4. Other material planning considerations

Character of the area

The broader area and adjacent neighbours have lived with commercial use for some years. The adjacent house at No 613 is in use as a cattery and also has permission for kennel use. The proposed use is compatible with the area.

Previous recent uses were an aircraft-crash repair operation.

The previous lawful activity on the present site was for aircraft repair. Crashed aircraft in very large sections would have been brought here with consequent very noticeable deliveries on flat-bed trucks (3 or so a week) and workshop activity. The nature of the use was similar to a car repair garage but with larger components. It is estimated that some 5 vans a day collected and delivered smaller components for the aircraft parts mail order business.

The activity was considerable and the current proposal must be viewed in the context of this site's recent history.



Flood risk

Re-use of the buildings for similar uses will not increase intensity of use and a FRA is not needed. In any event, the site and immediate area are in a Zone 1 – no risk – area as shown on the EA maps and the Council's own SFRA (below and overpage)

PE12 6DP at scale 1:10,000

Other maps Data search Text only version



5

Current Environment Agency Flood Zones



The site

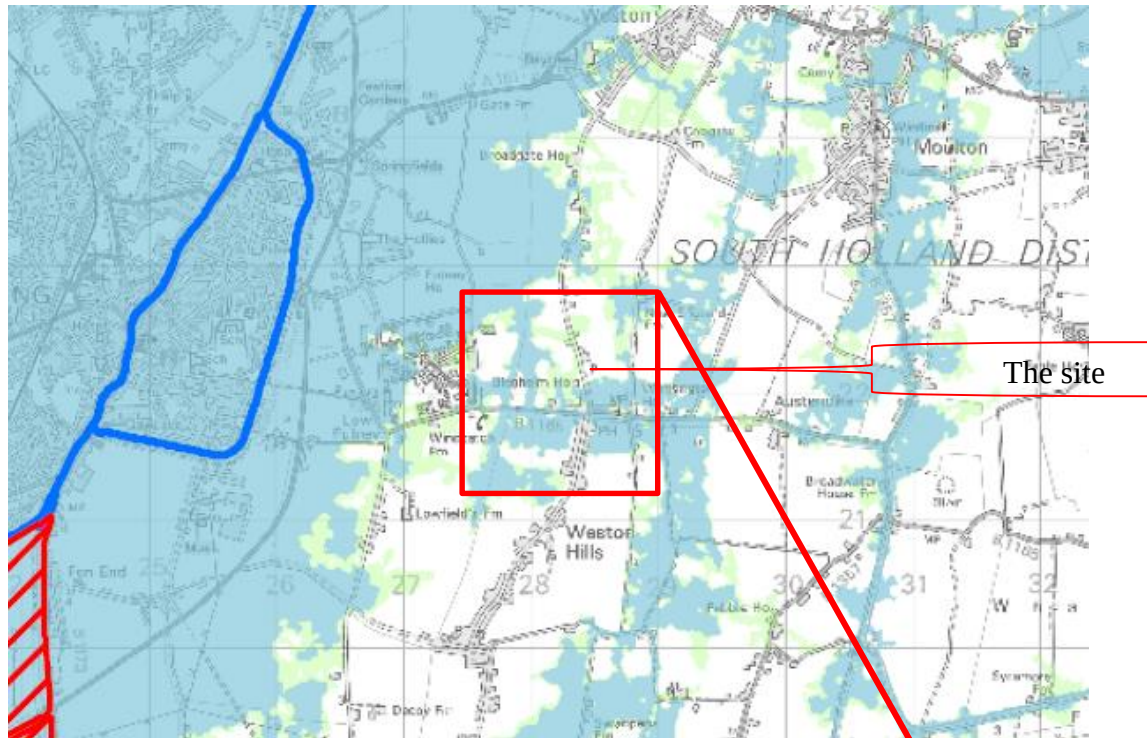
Matrix Planning Ltd
36 Stamford Road, Market Deeping,
Peterborough, PE6 8AB
01778 343 659
07789 483 134
gordon@matrixplanning.co.uk
www.matrixplanning.co.uk
Company No: 4686838



RTPI

mediation of space · making of place

Consultant Chartered Town Planner
Regulated by the Royal Town Planning Institute
Gordon Smith, BA(Hons), DipTP, MRTPI



Flood Zones in SFRA 2010



5. Suggested conditions

These are advanced to ensure the Council has adequate control yet allowing reasonable freedom for Miss Phoenix to advance her business.

1. This permission shall take effect from (insert date of permission)
Reason: Part of the use applied for (the caravan occupation) has already commenced, and so the permission is effective immediately.

2. The caravan shall only be used for sleeping accommodation until (insert 5 years post approval)
Reason: Permanent accommodation would not otherwise be allowed in the interests of preserving countryside character. Subsequent use for classroom and client meetings is acceptable as this would not be a change of use.

3. In the event that the Workshop Building marked 'W' on approved Plan no 2 is used for commercial purposes, the use shall be restricted to use under Use Class B1 (office or light industrial use) or Class B8 (Storage and Distribution) of the Use Classes Order 1987.

4. Any use or deliveries to the Workshop Buildings marked 'W' for light industrial, office or distribution purposes shall only take place during the hours of 0700hrs to 1900 hours Monday to Saturday, and at no time on Sundays and Bank Holidays.
Reason: in the interest of the amenity of the adjacent residential neighbours.



6. Other relevant information.

- a. Similar horticulture uses have been allowed locally as follows.

Reference	Location	Proposal	Received	Type	Status
H22-0925-09	Woad Farm 670 Broadgate Weston PE12 6JA	Change of use from agricultural land to riding manege and stables	26-11-09	FULL	Approved

- b. **Permission H22-1301-03** on this site allowed a further workshop extension that has never been implemented. Consequently, the permitted commercial use is far greater than presently possible, and also has no hours of operation condition.

Appendix 1. Site Plan 1
Appendix 2. Site Plan 2
Appendix 3. Permission H22/0838/00
Appendix 4: Business Plan



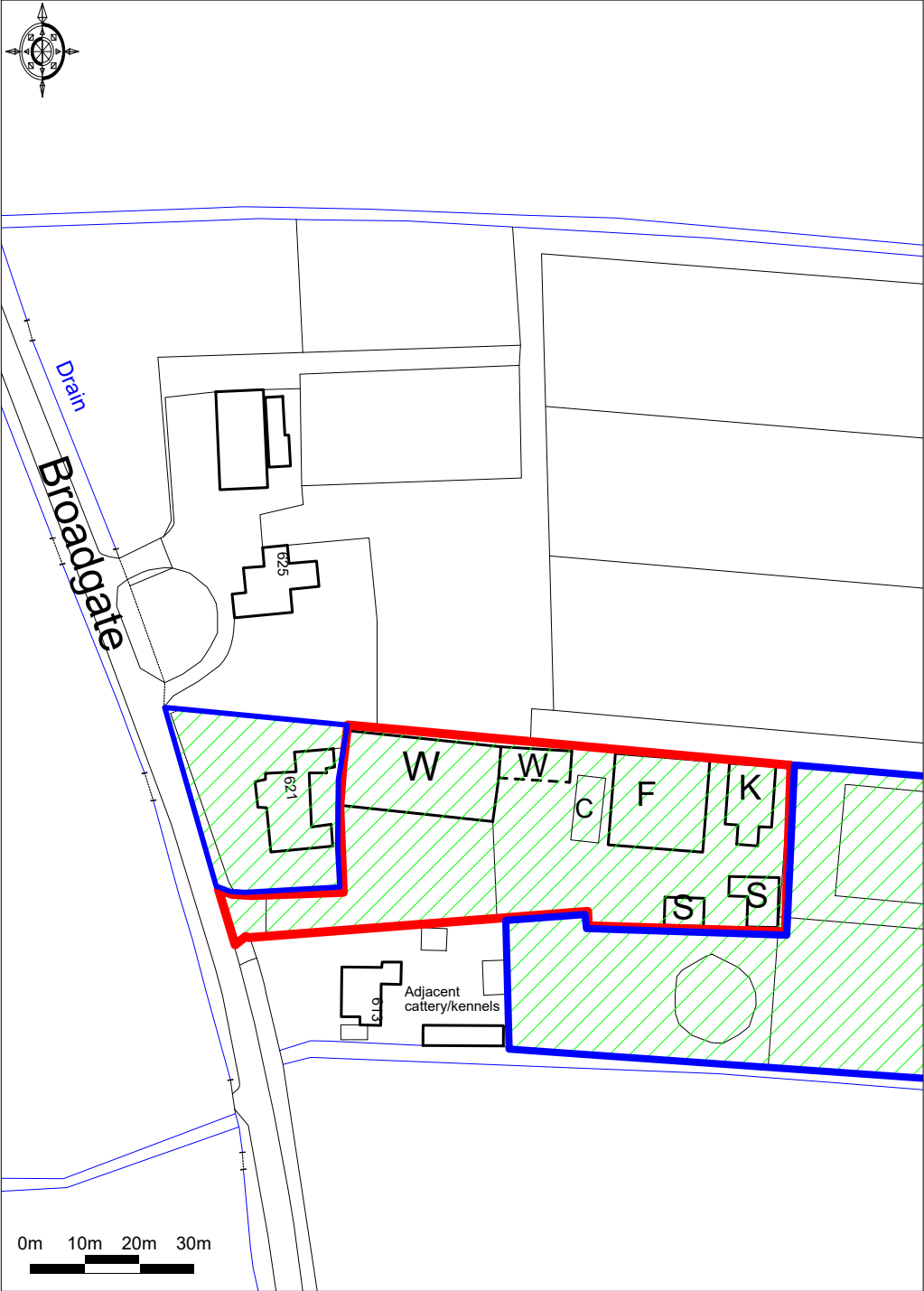
**Appendix 1. To show context - Aerial view from 2007
(currently more buildings are present) and Site Plan 1**





Appendix 2. Site Plan 2

Site to the rear of 621 Broadgate
Weston Hills, PE12 6DP

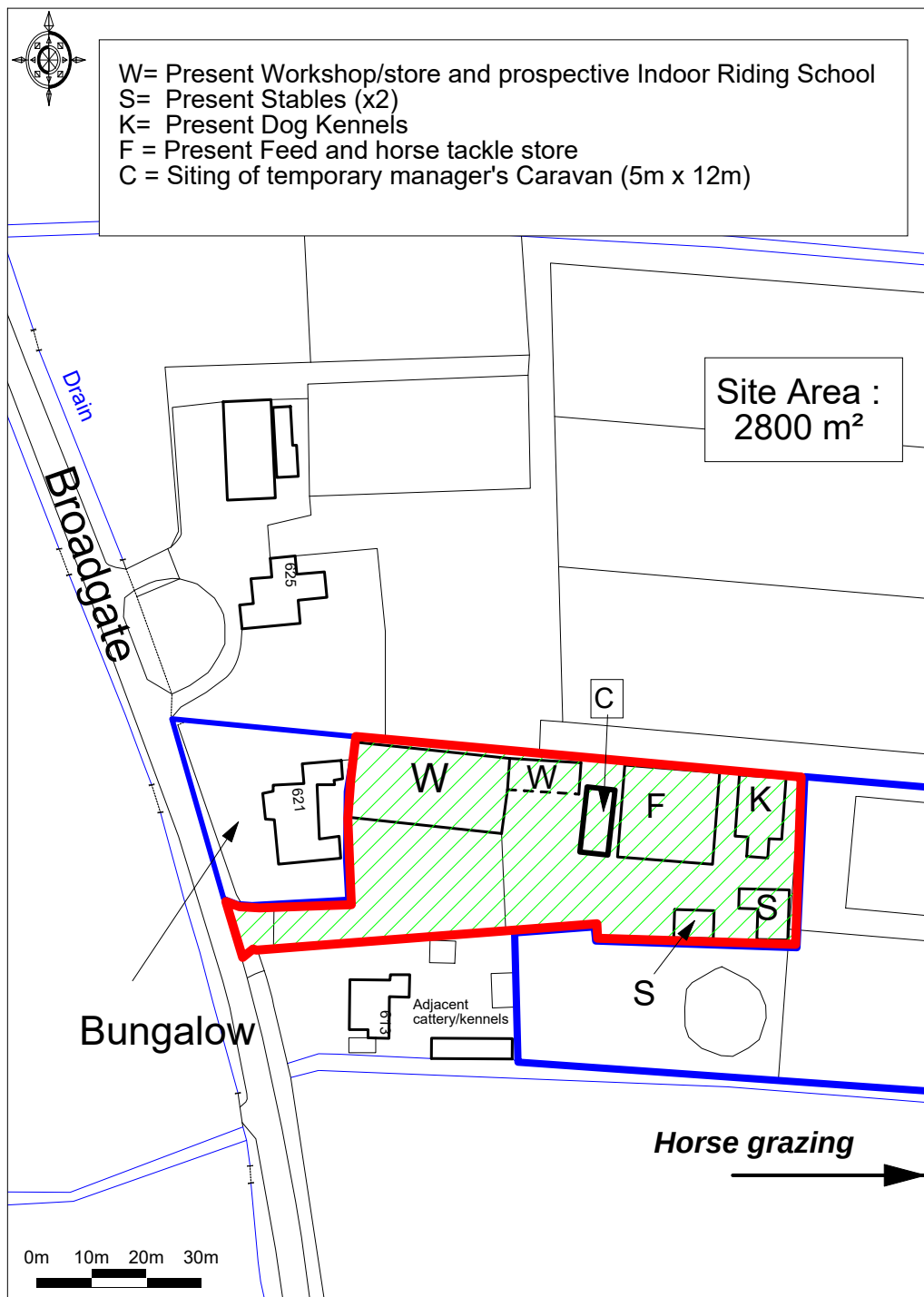


Ordnance Survey © Crown Copyright 2015. All rights reserved.
Licence number 100022432. Plotted Scale - 1:1250

Plan 1- The Site



Site to the rear of 621 Broadgate
Weston Hills, PE12 6DP



Ordnance Survey © Crown Copyright 2016. All rights reserved.
Licence number 100022432. Plotted Scale - 1:1250

Plan 2- Proposed flexible use of
B1 and/or B8 at location 'W',
or Indoor Horse training at Location 'W', and
temporary retention
of Mobile Home





Appendix 3. Permission H22/0838/00

SALLY WYALHAM
BA (Hons) F.C.I.H.
Director of Housing & Planning Services

Housing & Planning
Services Department,
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE
Telephone: (01775) 761161
Fax: (01775) 710772

FILE COPY



Town and Country Planning Act 1990 Planning Permission

Reference: H22/0838/00

Received: 17-JUL-00

Type: FULL

Name: Skycraft Ltd
Kestrel
Broadgate
Weston Hills
Spalding Lincs PE12 6DP

Agent: Skycraft Ltd
Kestrel
Broadgate
Weston Hills
Spalding Lincs PE12 6DP

Description: Change of use from agricultural to mail order
sales & processing & aircraft repair workshop
Location : Kestrel Broadgate
Weston Hills Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 2 No retail sales shall take place from the building or any part of the site which formed part of this application for planning permission.

Reason: The site is within an area where retail activity would not normally be permitted in view of its location outside any existing settlements.

- 3 The use hereby permitted shall be operated solely in connection with, and ancillary to, the occupation of the dwelling in front of the site known as 'Kestrel'.

Reason: The operation of the use, not in association with the occupation of the dwelling, would be likely to cause a detrimental impact.

- 4 The premises shall be used for mail order sales and processing and aircraft repair workshop and for no other purpose (including any other purpose in Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order).

SALLY WALTHAM
BA (Hons) F.C.I.H.
Director of Housing & Planning Services

Housing & Planning
Services Department,
Council Offices,
Priory Road,
Spalding,
Lincolnshire, PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 710772



Reason: In granting this permission the Council has had regard to the special circumstances of this case and considers that unrestricted use within Classes B1, B2 and B8 may be unacceptable in view of the proximity of adjoining residential properties.

The determined plan is:-

Dwg. No. 163/001 received on 03 Jul 00.

Director of Housing and Planning Services
24 NOV 2000

H22/0838/00

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.



Appendix 4: Business Plan



Matrix Planning Ltd
36 Stamford Road, Market Deeping,
Peterborough, PE6 8AB
01778 343 659
07789 483 134
gordon@matrixplanning.co.uk
www.matrixplanning.co.uk
Company No: 4686838



RTPI

mediation of space · making of place

Consultant Chartered Town Planner
Regulated by the Royal Town Planning Institute
Gordon Smith, BA(Hons), DipTP, MRTPI

Statement by Miss Jacqueline Phoenix to support planning application
621 Broadgate, Weston Hills, PE12 6DP

Business Plan for Phoenix Horses. February 2016.

1. Summary

Equine businesses operate on a relatively small profit margin with considerable overheads which can be unpredictable.

Adequate funding, forward planning, premises, flexibility and a good sense of reality will be essential to the success and sustainability of my business in a rural environment.

I believe that the knowledge and skills that I have, combined with my property proves me with the basis on which to build my business.

With this in mind I consider that a 5 year plan is realistic and achievable.

2. Business Outline.

To establish an equestrian business in rehabilitating remedial Horses. The horses will be re-educated and their owners taught the skills they require to pursue a happy, safe and fulfilling partnership with their horse.

Remedial horses are those that exhibit behaviour that is unacceptable to humans. The behaviour itself will be normal for equines that perceive they are threatened, misunderstood, are in pain or have inadequate training. This behaviour can be extreme and dangerous particularly to an owner with limited knowledge.

The majority of my training will be from "the ground" i.e. not ridden. Initially I will work with the owner on horse psychology theory, putting this into practice with my four horses.

My own horses all came to me as remedial horses ten years ago and will be key in giving the owners the confidence and skills they require to move forward with their own horses.

For the duration of the rehabilitation the horses will be liveried at my property. They will be in stables or paddocks according to their mental and physical requirements. The time scale for each case will vary enormously, some for a few days and others for several weeks.

Some issues may be better resolved by working in a group. This will involve a gathering of up to six owners and their horses for a one day clinic.

3. The Viable Client Base.

Over the past 25 years or so, 4 main factors have influenced the equine world:-

1. The number of horses in private "hobby" ownership has increased enormously. Frequently the owner has insufficient equine knowledge and / or appropriate facilities. If these owners acknowledge their short-comings when problems arise they will seek assistance.
2. There has been an explosion of over-breeding and importation of horses. This has resulted in a vast surplus of horse population.

At ground level a plethora of unscrupulous small-time horse breeders and dealers are selling unsuitable horses to an ignorant and unsuspecting public. As a result equine charities are overburdened. The owners and charities need assistance with rehabilitation of these horses, to move them on to more appropriate homes.

3. Several financial crises have affected the U.K. The horse, a large and expensive animal to keep, will often be the first economy an owner will have to make.

Whilst the current owner may be content with a "quirky" horse, the saleability of such horses will be much improved if they are well-adjusted. Appropriate training of the horse will provide quicker financial relief to the owner, as well as a higher sale price achieved.

4. Vast numbers of horse owners are seeking more enlightened ways for training their horses and to attain a pleasurable partnership. They accept that the traditional methods of punishment as a training tool is not effective or satisfying in the long term.

Communication that the horse understands is the way forward. Horse ownership should at least be a leisure activity promoting health and well-being for both the horse and owner, not misery and pain for either party.

All four factors are complicated and inter-connected. Together they will form a diverse, sustainable and expanding client base.

4. The Property – funding business development.

The property currently consists of all major structures that are necessary for the implementation of my business plan.

The residential property, a bungalow, is rented out and provides my living costs. I However, because of its rural location is proving difficult to let at full occupancy, so income is restricted.

The substantial brick built building (the workshop) is key to the development and sustainability of the business. It has access from Broadgate via a large concrete yard. It has a bathroom, Kitchen facilities, electricity, phone and internet, separate from the bungalow. It can function as a commercial unit independently of the emerging horse business elsewhere on the site.

Once freed and its very restrictive planning conditions, renting out this building will provide essential income for business support and development. The majority of small equine businesses operate on very low profit margin with considerable overhead so a realistic injection of funding projection is essential to provide start-up funds as well as future security. Until it is let out I am unable to provide income forecasts.

In addition, this building is ideal as an indoor horse training area which would allow year round operation. The option to secure a future alternative horse use of this building is essential to provide me with clarity on my options and the need for flexibility.

The static caravan is an essential element providing security. The bungalow itself is a long way from where the animals and associated equipment is housed, and does not offer line of sight for security.. In 2014 I suffered a devastating theft of equipment, reported to the police. Two further attempts were made in 2015. No loss was incurred because I was living in the caravan, heard the intruders and with the assistance of my dogs they left empty-handed.

The static caravan has another use. It will provide a classroom for teaching owners and provide rest room facilities for them and staff.

It would be unrealistic to assume that I would run this business alone. I envisage the employment of a full-time yard manager, requiring temporary accommodation. Also part-time staff as the business grows.

The mix of uses envisaged is consistent with the area's character:

- The property itself has been used for a business since at least 2001. This business has now relocated.
- Neighbours on both sides operate businesses. On one side there is a cattery and dog breeding enterprise. On the other is a riding school.
- Further along Broadgate is a livery business.

5. My skills, experience, qualifications to support the business.

I have 35 years of experience with remedial horses. Coming from a totally non-horsey background, in my youth I was consumed with getting "horse time". This involved being with the horses that no-one else wanted to ride or handle.

Over time this gave me a huge insight into remedial horses and the issues concerning training methods and communication.

Over the past 35 years I have worked in many aspects of the equine industry. This gave me a desire to further my knowledge and to find a framework on which to base my acquired experience and skills and to gain a recognised qualification and to further develop my skills.

This I found in *Intelligent Horsemanship* <http://www.intelligenthorsemanship.co.uk/>

They are an internationally recognised organisation that operates in the U.K. on behalf of Monty Roberts, Horse Whisperer.

To date I have successfully completed all stage one and intermediate courses. I now have to provide comprehensive video course work together with a written, scientifically proven horse psychology dissertation.

Upon completion of these tasks I will be invited to the week-long examination session. If successful I will gain the status of Recommended Associate.

The entire journey for this qualification is self-funded and self-motivated. It requires an exceptionally high skill level.

With the attainment of the qualification I will gain the support of a highly regarded organisation which will also supply future education and a referral network.

I have various considerable restraints on my time and more so on income availability. I envisage a 3 year period to complete my training and accreditation.

This time period could be reduced with the availability to use my property to its full potential to generate income.