
Appeal Decision

Site visit made on 3 July 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th July 2017

Appeal Ref: APP/B1550/W/17/3169836

Land opposite 2 Goldsmith Drive, Rayleigh, Essex SS6 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeremiah O'Connor against the decision of Rochford District Council.
 - The application Ref 16/01084/FUL, dated 4 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is described as 'landscaping and building works to an existing site to create equestrian facilities and grazing land. The proposals will include a stable and tack room, hard standing and a turning circle, and fenced off areas for grazing'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been drawn to my attention that another parcel of land along Goldsmith Drive has the formal address of *Land opposite 2 Goldsmith Drive*. I have nevertheless taken the site address from the application form for the purposes of this appeal as a means of identifying the site outlined in red on the location plan. By doing so I have not conveyed any formal status to the address of the appeal site contained therein.

Main Issue

3. The Council has not provided an appeal statement but from reading the reason for refusal I have been able to deduce that the main issue in this instance is whether the appeal scheme would incorporate sufficient land to support the proposed development.

Reasons

4. The appeal site encompasses a broadly rectangular parcel of land with a small return. It projects back from Goldsmith Drive and is currently a grassed area enclosed by low level fencing, trees and hedges. There are extensive views over the appeal site from Goldsmith Drive, which is a narrow road characterised by a scattering of houses intermingled with small parcels of land such as the appeal site.
5. It is a point of agreement between the Council and appellant that the appeal site measures around 0.389 hectares. The appeal scheme is for a change of

use of the land to the keeping of a horse. In addition there would be operational development in the form of a hardstanding and a building incorporating a stable and separate tack room. According to the Council about 0.315 hectares of the appeal site would be used for grazing. The appellant has not disputed this figure.

6. The area of grazing would be significantly short of the British Horse Society (BHS) Standards¹ of one horse per 0.4 hectares of grazing land, which has been referred to by interested parties and is referenced in Paragraph 3.56 of the DMP². This is significant as the shortfall in land upon which to keep a horse would likely result in over grazing and the land being churned up in wet weather³. Either scenario would harmfully affect the visual amenity of the appeal site and that of Goldsmith Drive.
7. Policy DM15 of the DMP sets out a broadly positive strategy for equestrian development and states that it will be supported subject to criteria, which includes an indication that the maximum number of stables per hectare should relate to the amount of open space. It goes on to state that the ratio should be no more than one stable for each 0.4 hectares of the site area. It is unclear whether this is referring to the total site area or the area of grazing. The latter would flow from Paragraph 3.56 of the DMP and the BHS guidelines. Either way, the appeal scheme would be short on land as the site area is about 0.389 hectares and the grazing area would be approximately 0.315 hectares. As such, the proposal would not be consistent with the DMP. An application should be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this instance the appellant has suggested that the local bridle network would offset the diminutive size of the appeal site by enabling the off-site exercising of the horse. However, it would not be possible to keep or graze any horse on the bridleways and this is not the appellant's intention in any event. Notwithstanding this, it is unclear how the use of the bridleway would prevent the appeal site from being over grazed or poached as any horse kept at the appeal site would likely spend a significant period of time on an under sized parcel of land. Moreover, I have not been directed to any recognised guidance that suggests it would be appropriate to reduce the area of land upon which a horse is kept if bridleways are located nearby.
9. In addition, when applying the BHS guidelines, which are well-recognised standards that should be afforded notable weight as a material consideration, it is unclear whether the appeal site is good pasture⁴ and how it would be managed by the appellant⁵. It is also unclear how much feed would be imported to supplement the grazing, especially in winter months, and whether the appellant has another site he could move any horse to if the appearance of the land deteriorates. Information has not been provided in respect of the type of horse that would be kept at the appeal site, how long it would be stabled and whether its health would benefit from a grazing area that is smaller than specified in the guidance. Additionally, there is no indication as to how the appellant would manage the site given that he does not appear to live locally.

¹ Guidelines for the Keeping of Horses: Stable Sizes, Pasture and Fencing

² Rochford District Council Local Development Framework Development Management Plan 2014 (DMP)

³ This is often referred to as 'poaching'

⁴ Including the type of grass and ground conditions

⁵ Including matters such as drainage, weed and manure management, rotation of grazing and removal of horses in very wet weather

10. Moreover, it is unclear how the appellant would address any possible loneliness that may be suffered by the horse that would be kept at the site in the event this appeal was successful. The Government's Code of Practice for keeping horses⁶, which has been referred to by interested parties, suggests that a horse should not be put in permanent solitary confinement as this can result in mental and physical health issues for the horse. As a consequence, the appellant may periodically need to keep additional horses on the land to combat this, which would likely result in further over grazing or poaching given the size of the site. In this instance it would be inappropriate to impose a condition restricting the number of horses kept on the land to one as this would be in direct conflict with the Code of Practice and the best interests of the horse. Such a condition would therefore be unreasonable.
11. Taking the above points together, the appellant has failed to demonstrate that it would be appropriate to relax the requirements of Policy DM15 of the DMP in respect of the site area. This is a requirement that is supported by BHS guidance. There is nothing before me to suggest the relevant policy requirement and the BHS guidance are incorrect or out of date. I therefore conclude that the proposal would incorporate insufficient land to support the proposal contrary to Policy DM15 of the DMP.

Other Matters

12. I note that other concerns have been referred to by interested parties, including highway safety and the effect on the Green Belt. However, as the proposal fails against the main issue these additional matters have not proven to be determinative and therefore it is unnecessary for me to consider them further in this instance.
13. During my site visit it was evident that horses are kept on parcels of land in the vicinity of the appeal site. However, it is unclear how large the parcels of land are, how they are managed or whether they are authorised. As a consequence, and in the absence of this information, my conclusions on the appeal scheme are not inconsistent with nearby uses.
14. The appeal scheme was supported at an Officer level but I do not share the conclusions of the Council's Planning Officers for the reasons set out above. As such, this is not a matter that alters my overall conclusion that the appeal should fail.

Conclusion

15. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

⁶ Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids