



Appeal Decision

Site visit made on 21 February 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/J1535/W/22/3302083

Land at Cobbins End Farm, Cobbinsend Road, Waltham Abbey, EN9 2AA

- 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 Ms R Skeffington against the decision of Epping Forest District Council.
 - The application Ref EPF/2898/21, dated 17 September 2021, was refused by notice dated 4 May 2022.
 - The development proposed is the construction of a ménage for the exercise and training of horses.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a manege for the exercise and training of horses on land at Cobbins End Farm, Cobbinsend Road, Waltham Abbey, EN9 2AA in accordance with the terms of the application, Ref EPF/2898/21, dated 17 September 2021, subject to the conditions set out in the schedule to this decision.

Applications for costs

2. An application for costs was made by Ms R Skeffington against Epping Forest District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Epping Forest District Council Local Plan 2011-2033 (Local Plan) was adopted by the Council on 6 March 2023. Within their email of 10 March 2023, the Council advised that the principal policy now relevant to this appeal is DM4 of the Local Plan. It was also confirmed that those policies contained within the Epping Forest District Local Plan 1998 which have not already been replaced together with the Epping Forest District Local Plan Alterations 2006 (EFDLPA) will be revoked following the end of the six-week period for legal challenge (17 April 2023). Consequently, Policy GB2A of the EFDLPA as cited on the decision notice still carries weight in the determination of the appeal.
4. The decision notice refers to the construction of a 'manege' whereas the planning application form refers to a 'menage'. According to the Oxford Dictionary, the former is used to describe an enclosed space for the training of horses and riders. I have therefore proceeded on the same basis throughout this decision and replaced the word 'menage' where previously used.
5. The Council's reason for refusal refers to the position of stables however I am advised by the Council that this was an unfortunate error. Therefore, in determining the appeal, I have had regard to the description of development as

stated on the planning application form. Furthermore, my considerations have been based on the understanding that the proposed facility will be for the private use of the appellant as stated within the appeal documents.

6. The Council's evidence questions the lawful use of the site and suggests that a change of use from agricultural to equine would be necessary to allow the keeping of horses on the land. Nevertheless, it has been confirmed by the appellant that the land use is currently agricultural hay cropping which also allows for the grazing of livestock, including horses. I am told that there is no exercising or supplementary feeding of horses over the land and, on this basis, the appellant submits that the land remains in agricultural use. I have determined the appeal on this basis.

Main Issues

7. The appeal site is located within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - The effect of the proposal on the openness of the Green Belt.

Reasons

Inappropriate development?

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The exceptions are set out in Paragraph 149 of the Framework which includes (b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor recreation, provided that the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
9. It is agreed by both parties that the proposed development would satisfy the above exception, and, on the basis of the evidence before me, I have no reason to disagree. I therefore conclude that the proposal would not be inappropriate development and would thus accord with the Green Belt protection objectives set out within the Framework, with which Policy DM4 of the Local Plan and Policy GB2A of the EFDLPA accord with.

Openness

10. Openness is an essential characteristic of the Green Belt and can be perceived both spatially and visually. The Planning Practice Guidance further acknowledges that the degree of activity likely to be generated by a proposal, such as traffic generation can be a consideration when assessing the impact of a proposal on the openness of the Green Belt.
11. The appeal development relates to the construction of a manege which would be for the private use of the appellant. The proposal would be located on a reasonably flat piece of low-lying agricultural land which is currently enclosed on 2 sides by mature hedgerows. The manege would be surfaced in a combination of silica sand (base) and a recycled fibre compound (top). The

- submitted drawing indicates that the facility would be enclosed by a 1.2m high post and rail fence.
12. The proposal would introduce a physical enclosure on an area of land within the Green Belt which is otherwise undeveloped. However, given the proposed siting of the proposal adjacent to established hedgerows together with the topography of the appeal site and surrounding land, there would be limited visibility of the proposal within the landscape beyond its immediate confines. Moreover, the facility would not have the appearance of a building and would be open in nature. Consequently, I am satisfied that the proposal would preserve the openness of the Green Belt. For the same reasons, the proposal would not compromise the characteristics or qualities of the Northern Thames Basin Landscape Area.
 13. The appeal site is accessed via Cobbinends Road, which accordingly to Essex Highways mapping is listed as a byway. I understand that the appellant lives several miles away from the appeal site and therefore travels to the site twice a day to check on the horses who currently graze the land. In addition to the said daily movements, I am told that the horses are transported to a separate training facility 4 times a week. A vet and farrier visit approximately 5 and 8 times a year respectively although these movements are unlikely to be affected by the proposal.
 14. The training and exercising of horses would be combined within the daily husbandry visits and therefore would negate the need to transport the horses to separate training facilities. The appellant submits that this would equate to a reduction in at least 8 vehicular movements per week. Consequently, based on the evidence before me and subject to a condition stipulating the private use of the manege, I am satisfied that the degree of activity associated with the proposal would not be in excess of the current situation. Therefore, I am not persuaded that the openness of the Green Belt would be affected by the activities associated with the proposal.
 15. For these reasons, I find that the proposed development would not adversely affect the openness of the Green Belt or conflict with the purposes of including land within it. The proposed development therefore accords with Local Plan Policy DM4 and Policy GB2A. Consistent with the Framework, these policies seek to restrict development sprawl and safeguard the countryside from encroachment.

Other Matters

16. The appeal site lies within 3km of the Epping Forest Special Area of Conservation (SAC), whose qualifying features include wet and dry heathland, beech forests and stag beetles. The Council alleges that the proposed development has the potential to adversely affect the integrity of the designated site through increased recreational activities and air pollution.
17. The appeal development would provide an exercise/training facility for the appellant's horses who already graze the land adjacent to the appeal site. The evidence confirms that the horses are currently ridden out from the site once a week and utilise bridleways located to the north of the appeal site. I am also told by the appellant that due to distance and road hazards that the horses will not traverse the Epping Forest SAC. The latter aside, given the current activities and nature of the appeal proposal, the available evidence indicates

that riding activities in the area – whether outside or within the SAC – would not be affected or indeed increased as a result of the proposed development.

18. Furthermore, whilst acknowledging that atmospheric pollution has the potential to also affect the designated site, the evidence before me indicates that the proposal will reduce vehicular movements to and from the appeal site. For these reasons, I am satisfied that the proposed development would not result in increased air pollution or recreational pressure in the SAC. As such, the proposal alone and in combination with other plans and projects would not have a likely significant effect on the Epping Forest SAC.
19. Issues relating to unauthorised development/works and a restrictive covenant have been brought to my attention. These matters are largely identified and considered within the officer report, and it is noted that the Council did not consider these were reasons to refuse the application, and based on the evidence before me, I have no reason to disagree with the Council's conclusions. Whilst I acknowledge the third-party concerns raised in respect of highway safety, given my findings above together with the consultation response from Essex Highways, I do not consider that the proposal would be detrimental to highway safety or movement. Similarly, whilst noting the comments regarding the loss of best and most versatile agricultural land, I have not been provided with any compelling evidence which would lead me to a different conclusion.
20. I am also mindful of the comments regarding future precedent. Whilst I have found the appeal proposal to be acceptable, this is not an indication that a subsequent proposal at the site would be. Any future scheme would need to be determined on its own merit, in accordance with the development plan and relevant material considerations.

Conditions

21. I have had regard to the various planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. In order to control the activity generated by the proposed development, a condition limiting the manege to private use is both necessary and relevant to the development proposed. Similarly, in order to avoid harm to the Green Belt through inappropriate illumination and notwithstanding the appellant's comments, a condition restricting the installation of external lighting is necessary.
23. The appeal site lies within a flood risk assessment zone. Accordingly, in order to manage flood risk, a condition requiring a flood risk assessment together with a future management and maintenance plan is necessary. For the same reason, a condition requiring a scheme for the disposal of surface water is necessary.

Conclusion

24. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Site Plan;
 - Proposed Block Plan;
 - Fencing and Gates (Plan 730).
3. The manege hereby permitted shall be used for private equestrian purposes by the landowner and not for any commercial ridings, livery use or other business use.
4. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
5. No development shall commence including ground works until a Flood Risk Assessment and Management and Maintenance Plan has been submitted to and approved in writing by the local planning authority. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The development shall be fully implemented in accordance with the approved details prior to the first use of the development and shall thereafter be maintained in accordance with the management and maintenance plan as approved.
6. No development shall commence including ground works until a scheme for the disposal of surface water has been submitted to and approved in writing by the local planning authority. The surface water drainage measures shall thereafter be implemented in accordance with the approved details prior to the first use of the development and thereafter permanently retained as such.

END OF SCHEDULE