

Appeal Decision

Site visit made on 20 June 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/J1915/W/22/3312866

Land at Gilston Lane, Gilston Park, Gilston, Hertfordshire CM20 2SF

- 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 J O'Driscoll against the decision of East Herts Council.
 - The application Ref 3/22/1349/FUL, dated 1 August 2022, was refused by notice dated 7 November 2022.
 - The development proposed is stables and associated use of land for equestrian use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the adequacy of the site with regard to the welfare of the horses.

Reasons

3. The proposal is for a complex of three stables, a barn and a tack room. In addition, there would be a cobbled yard and an additional extensive area for parking and turning. The site area is given on the application form as 0.234Ha. The stable floorplan and yard area, together with the parking and turning areas, would occupy a large part of the southwest area of the site. It is not clear if the area between these and the western boundary would be suitable for grazing or as an area for the horses to be put out. The area to the north is very restricted due to the triangular nature of the site and the level of vegetation on the boundaries. The main remaining area for either grazing or exercise for the horses would therefore be along the southeast and eastern boundaries.
 4. The appellant is clear that the horses would be fed from straw rather than grazed and that they would be exercised locally on the bridlepaths and within the surrounding countryside. Little other information has been provided as to how the horses would be managed although it is suggested that a condition could be attached to a permission to secure a Pasture Management Plan which could confirm details of arrangements for feeding, grazing and exercise.
 5. As the council do not raise an in principle objection to the use of the site for stabling or the keeping of horses, it is evident that it is the size of the facility and the scale of the supporting land, in combination, that is of concern. Policy
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- GBR2(b) of the East Herts District Plan 2018 (DP) allows for equine development that accords with policy CFLR6 (Equine Development). Policy CFLR6 seeks to permit equine development if certain criteria are met. This includes part (c) that the siting, scale and design of the proposal is in keeping with the character of the area, with adequate pasture to support horses.
6. At present, the land lies within open countryside with the nearest properties being clearly separate from this site to the north and screened from it. The site is well screened by the boundary and surrounding vegetation, apart from one section along the southern boundary in the vicinity of the proposed access. From this point, the new works would be clearly evident and would dominate the site given the scale of hardstanding and the scale of the building proposed. The nature of the parking and turning area surface would help to reduce its prominence and there is potential for further boundary planting which would assist further. However, given the shape of the field and the need to retain the boundary planting, the new works and any associated vehicles and trailers situated on the large parking area, would result in the activity and the buildings being dominant within this relatively small site. This would be a relatively large area of development on a very constrained site.
 7. Whilst the design and materials proposed are not uncommon for such a development, given the scale of the building and its surfaced surrounds, which would be in the most prominent part of the site, it does not appear to have been sited or designed to minimise its visual intrusion. It would avoid concerns with regard to flood risk associated with the building works and the boundary landscaping could be enhanced. However, no justification has been provided as to why a development of this scale would be necessary. It represents an overly large development within the restricted confines of this site.
 8. When taking away the stables, yard and parking; and the areas more likely to flood, together with the need to protect the boundary landscaping, the amount of useable remaining space would be limited. No evidence or figure has been provided as to what useable space would remain. The appellant has made reference to the Code of practice for the welfare of horses, ponies, donkeys and their hybrids 2017 (the Code). This advises that as a general rule, each horse requires approximately 0.5 to 1Ha of grazing of a suitable quality if no supplementary feeding is being provided but also that a smaller area may be adequate if a horse is principally housed and grazing areas are used only for occasional turnout. Clearly, as the entire site extends to only 0.234Ha this would not provide anything like the pasture recommended for three horses.
 9. The appellant is clear however that the horses would be hay fed and as such a smaller area referenced by the Code may be adequate. However, the areas suitable within the site have not been defined and there is nothing before me that suggests that such a limited area would be adequate. The Code advises that stabled horses benefit from daily turnout in the field to allow them to graze and socialise with other horses. This is to ensure that the horses are able to behave normally as required by the Animal Welfare Act 2006. It is not clear from the evidence if this is anticipated or feasible. The Code does identify that if turnout is not feasible, stabled horses should receive appropriate exercise daily. The appellant has advised that offsite exercise would be undertaken but is not clear if this would amount to the full extent of the horses out of stable experience.

10. The lack of space for turning out these horses would clearly result in management challenges and increase the need for offsite exercise. The Code goes into some detail as to the need to prevent over-grazing, maintaining good drainage and the need for an adequately sized, well drained area of pasture on which horses can stand and lie down, and on which to be fed and watered. The appellant suggests that these matters could be addressed in a Pasture Management Plan.
11. It is not clear from the application material or the statement of case how these matters would be addressed given that the areas of suitable land is likely to be very limited. This information is particularly relevant and necessary given that the proposal does not satisfy the policy requirement of DP policy CFLR6(c) or therefore, policy GBR2(b). Given the information submitted as part of the application and appeal, I would not be satisfied that such a condition would be suitably precise nor that the likely contents of such a document would suggest that a decision at odds with the policies should be reached.
12. A Framework Paddock Management Plan was submitted with the appellant's final comments and is dated April 2023. In addition, the final comments indicate that discussions have taken place with the British Horse Society and quotes from them are included, although the document from which these are copied is not provided. The purpose of final comments is to allow the appellant to comment on the council's statement of case. This is new information that neither the council nor third parties have had an opportunity to respond to. Accepting this new information without the opportunity for it to be scrutinised would prejudice the council and other interested parties. In any event, the document does not appear to address the space limitations or identify what land would be available and useable by the horses.
13. Reference has been made to a previous decision in 2006 that accepted this building as proposed. Although some works were undertaken, it is not being claimed that the permission was lawfully commenced and is therefore extant. It is not for this appeal to assess lawfulness in any event and therefore, I must assume that the permission has expired. That decision was based on previous development plan policies and although it has been suggested that the countryside policies have not materially changed, the historic policies have not been provided for comparison. The previous decision does not therefore represent a fallback position and as it has expired, the current development plan policies must be applied. The Code was also introduced well after that decision. In these circumstances, the previous permission can be afforded little weight.
14. The proposal would result in an active use of this currently overgrown site. Given its countryside location and its likely biodiversity value, I am not satisfied that this would bring significant ecological benefits. It would bring economic benefits from construction works and private social benefits from its use. Its use, even as a private stable, would undoubtedly also bring further economic benefits to the rural economy. These matter weigh in its favour.
15. An extract from the development plan has been provided which indicates that much of the surrounding land falls within an allocation for the Gilston Area Urban Development which the appellant suggests would change the context of the site which may, in the future, be experienced as part of the new

settlements. Given the nature of the allocation, I am not satisfied that it provides weight in favour of this development.

16. Whilst there would be some benefits to the proposal and there is no in principle objection to the use, my main finding is that the proposal represents an overly large development on a very limited site which would detract from the character and appearance of the site and the surrounding area. The lack of clarity as to whether the number of horses could be adequately managed, adds to this concern. As the matters put forward do not outweigh these concerns, I dismiss the appeal.

Peter Eggleton
INSPECTOR