
Appeal Decision

Site visit made on 19 February 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal Ref: APP/A1910/W/23/3322942

Paddockside, Tinkers Lane, Wigginton, Hertfordshire HP23 6JB

- 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 Ian Barnard against the decision of Dacorum Borough Council.
 - The application Ref 23/00047/FUL, dated 9 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is the construction of an equestrian training area (menage).
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of an equestrian training area (menage) at Paddockside, Tinkers Lane, Wigginton, Hertfordshire HP23 6JB in accordance with the terms of the application, Ref 23/00047/FUL, dated 9 January 2023, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Ian Barnard against Dacorum Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023, and it is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the significance of Grim's Ditch, a scheduled monument;
 - Whether the site is an appropriate location for equestrian activities having regard to local planning policies, and;

- If there is harm, whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Is the development inappropriate?

5. The proposed equestrian training area (the training area) comprises a level rectangular area measuring approximately 40m x 20m, with a surface material to support horse riding. It would be enclosed by post and rail fencing approximately 1.4m in height. It is proposed to construct the training area on part of the grounds of Paddockside, a residential property. I observed the appeal site to be a broadly level grassed area, with small and medium sized fruit trees.
6. With reference to Green Belt policy in the Framework, the type of development proposed predominantly comprises a change of use of the land for outdoor recreation. The grading and surfacing of the area would involve associated engineering operations, with the proposed fencing constituting new building works. Sub-paragraphs b) and e) to paragraph 155 of the Framework explicitly list engineering operations and material changes in the use of land as not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
7. Paragraph 154b) of the Framework allows an exception to the general presumption against the construction of new buildings in the Green Belt. This includes the provision of appropriate facilities in connection with a change of use of land for outdoor recreation, subject to a similar proviso that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. Planning Practice Guidance¹ (PPG) confirms that openness is capable of having both spatial and visual aspects. In this instance, aside from the fencing, the training area would be devoid of built form or volume and hence, would be open. The enclosure fencing would be limited in height and the post and rail construction would mean that the solid to void ratio of the structure would heavily favour the void. The consequent element of new building would therefore be insubstantial. Accordingly, in spatial terms the openness of the appeal site would be largely unaffected.
9. In visual terms, there would be some impact owing to the displacement of natural vegetation by a manufactured riding surface. Furthermore, potentially equipment (including jumps) brought onto the training area may draw the eye and appear cluttered. However, the appellant explains² that the surface would be a neutral light brown, likely formed of pre-mixed silica sand, rubber crumb and synthetic fibres. The earthy colour would assist in assimilating the training area into the semi-rural surroundings, which include a mixture of residential properties, gardens, paddocks, fields and woodland. In this context the appearance of the post and rail fencing would be entirely in-keeping.

¹ Paragraph: 001 Reference ID: 64-001-20190722

² Paragraph 3.18, Appellant's Statement of Case

10. It is also proposed³ that the training area would serve horses already kept at or close to the appeal site, namely up to three horses. The development would affect part of the grounds which have established hedgerows and trees along the side boundaries. Moreover, if additional native planting were undertaken around the training area, rather than harming openness, this would have a softening effect, that would give emphasis to the rural qualities of the site and assist in its visual integration. Within this context, the temporary presence of a limited amount of equestrian equipment would have a marginal visual impact.
11. The appeal site is not adjacent to a large built-up area, and it comprises part of the grounds of an established residential property. Having regard to the five purposes of the Green Belt set out in paragraph 143 of the Framework, it is not shown that any would be compromised by the proposal. Moreover, the development would be consistent with paragraph 150 of the Framework whereby beneficial uses of the Green Belt are encouraged, including the provision of opportunities for outdoor sport and recreation.
12. Based on the evidence before me, the private training area would not be an abnormally large facility, no external lighting is proposed, and it would serve an existing limited number of horses nearby. As such, it is unlikely that there would be a discernible intensification in activity levels. Rather, the development would be consistent in appearance with a rural recreational pursuit. Taking these factors together, it would avoid appearing out of scale with the countryside characteristics of the surroundings, and ultimately would preserve the openness of the Green Belt.
13. Accordingly, I find that the proposal would fall within development permitted under paragraphs 154 and 155 of the Framework. Consequently, it would not be inappropriate development in the Green Belt. It follows that no conflict would arise with policy CS5 of the Council's Core Strategy 2006-2031, September 2013 (CS), which states, amongst other things, that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. In these circumstances, it becomes unnecessary for very special circumstances to be shown to justify the proposed development.

Scheduled monument

14. Grim's Ditch is a scheduled monument and therefore a designated heritage asset for the purposes of the Framework. It comprises a linear earthwork thought to be a territorial boundary dating from the Iron Age. It is also possible that it denoted grazing areas. Its significance lies primarily in the evidential and archaeological value and potential it holds in revealing how people used the land in the past. Some significance also derives from the rural and agricultural elements of the setting of the scheduled monument as to an extent, this allows for a fuller appreciation of its likely historic function in the landscape.
15. Part of Grim's Ditch lies to the north-east of the proposed training area. However, during the planning application the siting of the training area was revised such that it was moved further away, which was welcomed by Historic England. They further noted that the proposal would result in a change to the setting of the scheduled monument but, subject to landscaping, did not suggest that it would be harmful to the significance of Grim's Ditch. Nevertheless, the Council consider that it would be difficult to establish and

³ Paragraph 3.12, Appellant's Statement of Case

secure landscaping in perpetuity and, on that basis, contend less than substantial harm to the setting of Grim's Ditch would result.

16. However, consistent with my views in relation to the first main issue, the relatively modest scale, limited associated activity, separation distance from the scheduled monument and careful selection of surfacing materials would mean that the resultant development would be inobtrusive in the landscape. The presence of existing boundary planting together with judicious additional planting at the appeal site would augment the rural characteristics of the site.
17. Grim's Ditch is a large feature, measuring approximately 990m long between Crawley's Lane and Rossway Lane. Hence, the appeal site lies relatively close to a small section of it. Inevitably the natural and built environment will have changed considerably since the Iron Age, and no doubt will continue to evolve irrespective of the appeal proposal. In this context, it is the general rural characteristics of the wider setting that contribute positively to the significance of Grim's Ditch. Based on the information before me, it is not shown that the setting of the heritage asset is so sensitive that it would be unable to withstand the change wrought by the proposal, aspects of which I consider could be adequately controlled using planning conditions.
18. On that basis, I judge that the proposal would not cause harm to the overall significance of the scheduled monument. Hence, there is no need to carry out the heritage balancing exercise contained in paragraph 208 of the Framework.
19. Therefore, I find that the proposal would avoid harming the rural setting, and thereby the significance, of Grim's Ditch. Thus, it would not conflict with policy CS27 of the CS which seeks to protect the quality of the historic environment.

Location of equestrian activities

20. Saved policy 81 of the Dacorum Borough Local Plan 1999-2011, April 2004 (LP) pertains to development for equestrian activities. It is generally permissive of small scale facilities in the Green Belt subject to criteria. Of these the Council is concerned that the following are not met:
 - (a) *equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians;*
 - (b) *equestrian facilities should be carefully integrated into the rural landscape by siting adjacent to existing buildings or features such as trees, woodlands or hedgerows; and*
 - (d) *the scale of activity should respect the countryside setting and quality of the surrounding area.*
21. Within their statement of case⁴, the appellant provides information regarding bridleways, byways and adjoining lanes close to the appeal site. Hence, the facility would be reasonably connected to the equestrian right of way network, and I have seen little evidence to suggest otherwise. Moreover, the training area would serve a limited number of horses already adjacent to the site within permitted stables⁵.

⁴ Figure 1 and Paragraph 3.40

⁵ Appendix 3, Appellant's Statement of Case

22. Although the Council raise concerns that the training area would not be closer to existing stables, my observations were that it would be reasonably close and to an extent would benefit from the presence of existing boundary hedgerows and trees. In relation to the first two main issues, I have already found the proposal would preserve openness and the rural qualities of the setting of Grim's Ditch.
23. Therefore, I have little basis to find that the proposal would conflict with criteria (a), (b) or (d) of saved policy 81 of the LP. Instead, I find that the proposal would derive general support from it.

Conditions

24. The Council have suggested 9 conditions which I have considered against the tests in paragraph 56 of the Framework and the advice in the PPG. In the interests of certainty, conditions are imposed to set a commencement time for development and to ensure it accords with the approved plans.
25. To protect the visual aspects of the Green Belt and rural setting of Grim's Ditch, it is necessary to agree the material and colour of the riding surface of the training area, to prevent external lighting, to secure additional planting and to limit the extent of activity. Hence, conditions are imposed in relation to those matters.
26. The appeal site lies within an Area of Archaeological Significance and is close to a scheduled monument with high archaeological interest and potential. The construction of the training area will involve some ground disturbance. In the absence of substantive evidence to show otherwise, it is reasonable to suppose that the site has reasonably high potential to yield archaeology of interest. Moreover, paragraph 200 of the Framework states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
27. For these reasons, notwithstanding that Historic England did not suggest such a condition, I consider that a condition requiring a Written Scheme of Investigation would be proportionate. Moreover, logic dictates that to be effective, the scheme must be agreed prior to commencement of development. I have amalgamated and tailored the suggested conditions in this respect to better reflect the scale and nature of the appeal proposal.
28. The Council suggest a pre-commencement condition relating to site levels. However, given that the present levels of the site are not particularly dramatic, I am not persuaded that this is necessary to make the development acceptable in planning terms. Therefore, I have not imposed it.

Conclusion

29. For the reasons given I conclude that the appeal should succeed.

Helen O'Connor

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Paddockside Location Plan; Paddockside Menage Profile dated 20/12/22 and Paddockside HP236JB Location Plan Design detail.
- 3) Prior to the first use of the equestrian training area, the riding surface installed shall accord with details (including the colour finish) previously agreed in writing with the local planning authority and thereafter be retained as such.
- 4) The development hereby approved shall be used solely in connection with horses stabled on land edged in red or blue on the submitted Paddockside Location plan. No commercial use shall occur at any time.
- 5) No floodlighting, security lighting or other means of external illumination of the equestrian training area shall be installed.
- 6) Prior to the first use of the development hereby approved a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. All planting in the approved details of landscaping shall be carried out in the first planting season following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Development shall take place in accordance with the Written Scheme of Investigation approved.