



Appeal Decision

Site visit made on 16 January 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/C1950/W/23/3328201

**Cromer Hyde Farm, Marford Road, Lemsford, Welwyn Garden City,
Hertfordshire AL8 7XD**

- 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 Julian Sherriff against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2022/2371/FULL.
 - The development proposed is change of use of land to equestrian, incorporating the erection of an equestrian stable building, horse walker and siting of a portacabin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published the revised National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on the changes to the Framework.
3. During the appeal, the Council adopted the Welwyn Hatfield Borough Council Local Plan 2016 – 2036 (the Local Plan). Consequently, Policies GBSP1 and RA24 of the Welwyn Hatfield District Plan 2005 listed within the Council's reason for refusal have been superseded. The Council has provided the revised policies and both main parties were given the opportunity to comment on the implications for this appeal. I have taken the responses into account. I am satisfied that no party has been prejudiced by my consideration of the appeal proposal against the policies in the new Local Plan.
4. It was apparent from my site visit that the change of use of the land has occurred and is operational. The stable building has been erected and the portacabin and horse walker have also been installed. For clarity, I have based my decision on the submitted plans. I have removed the term "retrospective" from the development description as this is not development.

Main Issues

5. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, including the effect on openness, and;

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

Reasons

Inappropriate development and Green Belt openness

6. The appeal site is within the Green Belt. Paragraph 154 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within one of the listed exceptions. One of those exceptions listed at part b) is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Policy SADM 34 of the Local Plan states that proposals for appropriate facilities for outdoor sport and outdoor recreation will need to demonstrate that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It also sets out the criteria that the Council will consider in assessing the impact of the proposal. This policy is broadly consistent with the Framework.
8. The stable, portacabin and horse walker are appropriate for the intended equestrian purposes. To fall within the relevant exception, the facilities must be used in connection with an existing use of land or a proposed use of land for outdoor sport or outdoor recreation. From the description of development, the application also seeks a change of the use of the land to equestrian use. The proposal provides a horse racing enterprise whereby third parties pay to keep their horses to be cared for and trained.
9. From the appellant's written evidence, the bridlepaths are used to train the horses and the additional land to be used for the training of racehorses is not included in the application. The evidence also indicates that the land adjacent to the appeal site which is also under the appellant's control is used for grazing purposes in connection with the proposal. This all suggests that the outdoor sport activities do not take place at the appeal site. Furthermore, there are no areas of the appeal site specifically designated for outdoor sport on the planning application drawings. The horse walker is used to exercise the horses as opposed to riding or racing which would typically be expected for outdoor sport.
10. The evidence before me does not demonstrate that the facilities are in connection with an existing use of land or a change of use for outdoor sport or outdoor recreation. Consequently, I cannot but conclude that the proposal is not supported under part b) of paragraph 154 of the Framework.
11. My attention has been drawn to two appeals in which the Inspectors were satisfied the development proposed was for outdoor sport and recreation. The case of Warrenwood Stud¹ relates to the creation of an indoor riding facility and differs from the development under consideration in this appeal. In the case of Tipulo Stud², the development relates to a pole barn, stable, siting of a static

¹ AP/C1950/W/19/3227024

² APP/A1910/W/18/3203796

caravan and manège. This is also different to the appeal proposal. I have not been provided with the full details of these cases and I am not party to the evidence that was before the Inspectors. This is especially necessary where the findings are based on the use of the land and its connection with the proposal, the use of the facilities proposed and the extent of the outdoor sport and recreation use.

12. I cannot therefore be sure that there are direct parallels between the circumstances in those appeal decisions and the situation in this appeal case. Those decisions therefore have limited weight in my decision.
13. Even if I were to find that the facilities are in connection with an existing use of land or a change of use for outdoor sport or outdoor recreation, to not be inappropriate development within the Green Belt, they would also need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
14. The Council found that the proposal would not conflict with the purposes of including land within the Green Belt. I have no reason to dispute this.
15. The appeal site is adjacent to the main farmyard. There are agricultural buildings and shipping containers present on the farmland. Opposite the appeal site are open fields with some trees.
16. Because of its length and width, the stable has a large footprint. Its presence is further compounded by its height. When combined with the portacabin and the horse walker, there is an increase in built form within the site. In spatial terms, the development has therefore resulted in moderate harm to the openness of the Green Belt.
17. The appellant asserts that the appeal site has been used for parking and container storage. This is unlikely to have the same effect on openness as the proposal as vehicle parking and storage containers do not have the same permanency and scale, particularly when considering the size of the stable building.
18. Openness is not limited purely to spatial impact but has a visual aspect too as confirmed by the Courts³. It is also possible that a development which would harm openness can be acceptable visually and vice versa.
19. The visual aspect of the stable and portacabin is reduced as a result of their siting near the other buildings. The horse walker is also relatively low in height and is not of a solid design. The facilities can be seen in some limited views from the Public Right of Way and access road adjoining Green Lanes, although due to the proximity to the nearby buildings, the visual impact on openness is localised and limited. However, in this respect, even limited harm to openness cannot be said to preserve the openness of the Green Belt and would contribute to the overall harm to the Green Belt.
20. I have considered the comments of the Inspector in the Tipulo Stud case and the Council in the outline permission⁴ case, regarding how prominent the developments are, the visibility and scale. On the limited information available

³ Goodman Logistics v SSCLG [2017] EWHC 947 (Admin) and Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

⁴ 6/2018/3188/OUTLINE

to me, I am unable to draw any meaningful conclusions. This is because matters relating to openness of the Green Belt are generally site-specific and require a degree of planning judgement, which is a matter for the decision-maker. Therefore, those examples have limited weight and do not alter my findings which are based on the merits of this case.

21. Irrespective of my findings on whether the facilities are in connection with an existing use of land or a change of use for outdoor sport or outdoor recreation, the proposed development does not preserve the openness of the Green Belt. The use of a planning condition to implement landscape screening may address the visual aspect but would not address the spatial aspect.
22. The proposal is therefore inappropriate development in the Green Belt. In line with paragraph 153 of the Framework, substantial weight is given to this harm. The proposal also fails to comply with Policy SADM 34 of the Local Plan as it does not preserve the openness of the Green Belt.

Other considerations

23. The proposal helps the farm to diversify its activities which would increase the long-term viability and sustainability of the business. It contributes to the horse racing industry and would continue to do so as the business grows. The proposal is also a source of employment and there may be future opportunities, although no further details of this have been provided. Income for local suppliers and services is also generated. I give great weight to these economic benefits.
24. There are no other similar businesses within the Council boundary. It is managed and run by those with industry experience and success in horse racing. As planning permission runs with the land, in the event that they are no longer involved in the business, there is limited demonstrative evidence before me that the proposal would not remain on the site in the future. I therefore give moderate weight to these aspects.
25. The appeal site is near the motorway network and a short drive away from a horse racing spectator site. Having considered the findings of the sequential test, the appeal site is the most suitable for the requirements of the business. However, I give this limited weight as it is not clear if there is an alternative and suitable site, outside of the farmland that would also meet the requirements of the business.
26. The proposal is intended to provide training opportunities for students and the appeal site is near the college campus which would allow for shorter journeys. I therefore give these benefits limited weight, as there are no specific details regarding the level of demand and the likely uptake.
27. The design of the stables according with The British Horse Society standards and all management staff holding the relevant qualifications are given limited weight as this is to be expected.
28. There is no compelling evidence before me to demonstrate that there would be opportunities for volunteers, I therefore give this benefit minimal weight.
29. The proposal would not conflict with the purposes of including land within the Green Belt and would not cause adverse harm to the De Havilland Plain Landscape Character Area or residential amenity. There are also no objections

from the Highway Authority and the Council's Public Health and Protection Team. I attribute a neutral weight to these matters since they are a requirement of the development plan and the Framework.

Other Matters

30. The Council refer to Policy SP 3 of the Local Plan. As this is focused on the settlement strategy and the Green Belt boundary, it is not determinative in the context of this appeal.

Green Belt Balance

31. The proposal is inappropriate development in the terms set out by the Framework and fails to preserve the openness of the Green Belt. As required by the Framework, substantial weight is given to this harm.
32. The weight afforded to other considerations in support of the appeal does not, either individually or collectively, clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with Policy SADM 34 of the Local Plan and the provisions of the Framework.

Conclusion

33. For the reasons given above, the appeal is dismissed.

L Reid

INSPECTOR