



Appeal Decision

Hearing held on 21 May 2025

Site visit made on 21 May 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2025

Appeal Ref: APP/J1915/W/25/3361327

Silver Leys Polo Club, Millfield Lane, Little Hadham, Hertfordshire SG11 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hertfordshire Polo Academy against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0715/FUL.
 - The development proposed was described as retention of three mobile home units as rural worker's dwellings for grooms accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was submitted by Hertfordshire Polo Academy against East Hertfordshire District Council. This is subject to a separate decision.

Preliminary Matter

3. Through the submitted evidence, discussions at the hearing and through my site visit, it is clear that the mobile home units referred to in the description of development are already present on the appeal site and I am informed by the appellant that they are resided in by members of staff. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether there is an essential need for three rural worker's dwellings at the appeal site;
 - Whether the site is in a suitable location for housing with particular regard to accessibility by sustainable modes of transport;
 - Whether there would be sufficient vehicular access and parking at the appeal site for the development; and
 - the effect of the development on the integrity of the woodland habitat.

Reasons

5. At present, the appeal site comprises a belt of woodland that runs alongside an existing track that is accessed from Acremore Street. Within the woodland are three static caravan units (the units). At the time of my site visit there was a clearing adjacent to the most southern unit where there were two vehicles parked. There was some domestic paraphernalia adjacent to each of the units, including a shed, washing line and garden tables, chairs and benches. The units are screened significantly from view by the existing woodland. Outside of the appeal site to the northwest are a number of paddocks where ponies are kept. Directly to the east is a polo field with kickboards along either side and beyond that is an equine training area with a range of timber stables beyond.
6. It was confirmed at the hearing that the current number of equines associated with the appellant include 20 ponies, 9 ex racehorses and 3 broodmares. The wider site holds an additional number of equines, but these relate to other enterprises. The key elements of the existing enterprise are the training and keeping of equines for polo matches both at the adjacent polo field and travelling to other venues across the country between April and September, the breeding of foals from the broodmares with foaling taking place during a similar season and the retraining of ex racehorses for polo and other private and group equestrian lessons taking place throughout the year. The appellant states that there are currently six full time grooms employed by the enterprise.

Essential need

7. Paragraph 84 of the National Planning Policy Framework (the Framework) states that the development of isolated homes in the countryside should be avoided unless a specific exception applies, including, where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Policy HOU5 of the East Herts District Plan October 2018 (DP) states, amongst other things, that the Council will only permit permanent dwellings for agriculture, forestry and other rural businesses where it can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be available at most times).
8. The Planning Practice Guidance (PPG) states that evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products) can be assessed when considering the need for rural worker homes in the countryside.
9. At the hearing it was identified that the general pattern of work carried out by the grooms consists of a 6am start in the morning, finishing around 6pm. The appellant's statement states that during summer daylight hours lessons can take place until 9pm at night. Checks of all of the equines are then carried out later in the evening around 9.30pm. I am told that these working hours are fairly standard all year round.

10. During the polo season, grooms attend to and travel with the ponies to polo matches elsewhere across the country every other week. They travel from the early hours of the morning and arrive back late at night on the same day. Careful supervision and management of the ponies is necessary for several hours after returning to ensure there are no complications following the polo match and the travelling, with the grooms work often continuing beyond midnight on these days. I accept that these working days are long, however, with them occurring every other week, they do not necessitate someone being on site most of the time throughout each week or outside of the polo season.
11. The appellant identified that currently there are 3 broodmares and that a general time for foaling for each one can be predicted based on when they are served. I understand that immediately before, during foaling and after is a very sensitive period that requires increased observation and sometimes intervention. It was identified that there is an intention to increase the number of broodmares by another 2 in the near future, with another 5 planned in the longer term, in order to avoid having to import new ponies from other countries. Nevertheless, the requirement for a rural worker to be on site most of the time is only seasonal during these more sensitive periods and would not represent an essential need throughout the year.
12. The re-training of ex-racehorses is also identified as a key element of the business, and I am told that this is a specialised role and that there are particular characteristics related to these equines that require more attention, in order to ensure the safety and welfare of them. I have limited information on how often any incidents occur or what particular attention these ex-racehorses need.
13. It is asserted that in combination with the different elements of the business set out above, and the close supervision of the equines on site, a key reason for the need for a presence on site most of the time is to respond quickly to emergency situations that might arise at any time. An example given was changes in the weather, with thunder and lightning causing a problem to some equines, with the need to stable them quickly to prevent distress and injury. Other examples identified include responding to equines cast in their box, colic or other disease outbreaks or injury that might require treatment or a fire.
14. I am told that there is a critical 15-minute period where equines need to be attended to in order to avoid more serious outcomes and to ensure the health and welfare of the animal. The appellant suggests there is a need for three grooms to be on site to ensure rota systems can be employed whilst ensuring that there are at least two grooms present and available to help an equine stand for example, whilst ensuring the safety and wellbeing of the grooms. I note that CCTV systems are already in place but that these would not resolve any emergency situations, nor would they necessarily pick up on more subtle behavioural changes. The appellant asserts that being on site and being able to hear and see when an equine is in distress is the most appropriate way of identifying such incidents.
15. Whilst in the woodland, the units are less than a two-minute walk to the edge of the paddocks where the significant majority of equines are kept. I find this is in fairly close proximity. I do find that it would be more difficult to be in sight and sound of the equines in the stables given they are located further away and behind a substantial belt of trees. Nevertheless, I appreciate, given the large wider site area it would not be possible to be in close proximity to all of the equines on site.

16. I accept that emergency situations may happen and that they may happen during the night. I also note that in some instances more than one person would be required to attend, for example to help an equine that is cast. However, based on the limited evidence before me it appears likely that those situations are rare and would not justify multiple people on site most of the time throughout the year.
17. Crime and security are also concerns for the appellant, with a number of incidents of rural crime being reported at the appeal site each year. Whilst I accept that regular presence may act as a deterrent in some cases, the location of the units, within the woodland, means that they enable very limited natural surveillance of the wider site. Whilst it was stated that there have not been any incidents so far this year, there was no suggestion at the hearing that the number of incidents has altered significantly since the units have been present on site.
18. Policy HOU5 of the DP also states that the Council will only permit permanent dwellings for agriculture, forestry and other rural businesses where it can be demonstrated that there is no other accommodation within the site/holding or in the locality, which is currently suitable and available, or could be made available.
19. I was told at the hearing that there are no existing residential properties within the wider site, a point that is not disputed by the Council. A search of properties for sale and rent within an area one mile from the appeal site was carried out by the appellant in support of the appeal. This search area does appear restrictive, given that there are other settlements nearby which are a relatively short drive away. Nevertheless, the appellant asserts that the properties identified are all out of reach of rural workers financially. Whilst this may be the case, information on the income of grooms and how this compares with the rental figures or purchase prices advertised is not provided.
20. From the discussion at the hearing, whilst each of the individual elements of the operation in isolation may not necessitate a need for a rural worker to reside on site, I recognise that in combination, the different elements of the enterprise may result in an overall need for some permanent residential presence on site. This is in line with comments made by the Council in its Delegated Officer Report and at the hearing. However, there is insufficient evidence before me to demonstrate that three rural worker's dwellings would be necessary.
21. Therefore, in considering all of the information put to me, I find that insufficient evidence has been provided to demonstrate that there is an essential need for three rural workers in three separate units of accommodation to be present on site most of the time. Whilst there is limited information before me on the availability and suitability of other accommodation in the area, this matter is not determinative in this case given my findings on essential need. The development is therefore contrary to Policy HOU5 of the DP, as set out above.
22. I accept that it would be more convenient and desirable for the grooms to reside at the appeal site. I also understand the concerns of the appellant with regard to the retention of staff and that the provision of permanent accommodation helps to ensure that staff will stay, particularly given the national shortage of equestrian workers identified by the British Horse Association. Nevertheless, these considerations do not demonstrate an essential need for three rural workers to be on site most of the time.

23. The appellant asserts that the units could be considered an equine development which would be supported under Policy GBR2 of the DP. I note that criteria I.(b) of Policy GBR2 does state that equine development would be a type of development that will be permitted subject to being compatible with the character and appearance of the rural area.
24. However, Policy GBR2 refers to a need for equine development to be in accordance with Policy CFLR6 of the DP, which refers to domestic and commercial equine developments. There is no reference in Policy CFLR6 to dwellings associated with equine developments and the supporting text refers to examples including riding schools and stables. I therefore do not consider that Policy GBR2 of the DP provides support for dwellings related to equestrian developments. Consequently, the development is contrary to Policy GBR2 of the DP which seeks to maintain the rural area beyond the Green Belt as a valued countryside resource.
25. In coming to this view, I have had regard to the Animal Welfare Act 2006, as cited by the appellant. The Act also contains a duty of care to animals which means that anyone responsible for an animal must take reasonable steps to make sure that the animal's needs and its welfare are met. I also note reference to the requirement under the Health and Safety at Work Act 1974 whereby there is a duty on employers to ensure the health, safety, and welfare of their employees, as well as others who may be affected by their activities. Reference is made by the appellant to 'overnight workers' but there is no substantive evidence before me as to the number of overnight shifts that are required in order to assess the implications of health and safety requirements in this regard.

Suitable location

26. Policy TRA1 of the DP seeks to promote sustainable travel by locating development where a range of transport modes are available. The appeal site is located within a countryside location, removed from any built up area of a settlement. Acremore Street and Millfield Lane which both provide access to the wider site are rural lanes which are narrow in places with no separate footpath or lighting. Whilst they are both subject to the national speed limit, given the nature of these roads, I accept that the speed of vehicles along these routes may be more limited. I am not provided with information on any bus services.
27. The appellant states that whilst there would be reliance on the private car, the distance to everyday facilities and services is short with a large supermarket and the nearest small village both being located just over 2km away and the town of Bishops Stortford which provides a wide range of services and facilities and public transport links to Cambridge and London located 4.5km from the appeal site. It is asserted that this view is in line with the vision and strategic objectives of the DP which states at paragraph 2.3.6 that the challenge is to ensure that development is directed to sustainable locations, to reduce the need to travel and, where journeys need to be made, the distance of those trips.
28. I accept that the length of journeys required to meet day to day needs maybe relatively short. However, given the nature of the rural lanes that would make up a significant part of any journey, it is not realistic that occupiers of the site would walk, cycle or access public transport to carry out trips to meet day to day needs. Occupants would therefore be reliant on the private car for all day to day needs

other than employment. The submitted Access Appraisal (AA) also identifies that the number of trips generated by the development is limited due to there being no need to travel to and from work. I accept that living at your place of work may reduce the number of trips needed, nevertheless, this does not demonstrate that the site is located where a choice of transport options is possible.

29. The Council states that conflict with Policy TRA1 would be overcome if the development was compliant with the requirements of Policy HOU5, given there is an acceptance that where there is an essential need for someone to live at or near to a rural enterprise, then the accessibility of services and facilities is a less critical consideration in the planning balance. However, given my findings on the previous main issue, I must consider the proposal in light of the essential need for three rural workers dwellings not being demonstrated. I therefore find that the development is not in a suitable location for housing having regard to accessibility by sustainable modes of transport. As such it is contrary to Policy TRA1 of the DP, the overarching aim of which is set out above.

Vehicular access and parking

30. The appeal site, as outlined in red on the submitted site location plan does not include land which connects the appeal site to a public highway. Accordingly, the submitted location plan fails to identify all land necessary to enable access to the appeal site from a public highway.
31. However, further information was submitted with the AA which identified that vehicular access is made along the existing track from Acremore Street. Further clarification was also provided, identifying the wider holding, including the existing track from the appeal site to Acremore Street, as being under the control of Romehold Limited, who were identified on the planning application form as being served notice under Certificate B. When carrying out my site visit, I accessed the appeal site along the existing track from Acremore Street. It was a stoned track with gates set back from the public highway. It appeared well established, and also provided access to an existing yard area to the south of the appeal site.
32. The Council has confirmed that it has no in principle objection to the use of the access from Acremore Street or the existing track to access the appeal site and I can find no reason to disagree with this view. The Highway Authority raised no objection to the development and there is no evidence before me to suggest that this existing access arrangement would not continue.
33. It therefore appears, based on my site visit and the clarification provided, that there is an existing vehicular access from Acremore Street and an established track that provides appropriate vehicular access to the appeal site. Whilst the details submitted with the planning application could have been clearer, there is no evidence before me that this existing access arrangement is likely to cease. Consequently, I find that sufficient vehicular access is provided to the appeal site from the public highway and therefore the development complies with Policy TRA2 of the DP, which requires, amongst other things, that safe and suitable access should be achieved.
34. With regard to parking arrangements, these were not identified on the drawings submitted with the planning application. I noted on site that there is an existing clearing within the woodland close to one of the units where two vehicles were

parked during my site visit, but there were no clear parking areas close to the other two units, within the appeal site boundary.

35. It was confirmed at the hearing that the parking arrangements shown in the AA are indicative and are not based on an arboricultural survey. The indicative parking areas do suggest that they would be located within the woodland and there is no information on how access would be achieved from the existing track to these proposed parking spaces. Therefore, without more detailed information including vehicle routes and surfacing through the woodland and an arboricultural survey, I am not satisfied that a parking scheme, such as the indicative one submitted could be achieved, without having a detrimental effect on the existing trees within the woodland.
36. The appellant suggests that the parking arrangements, including a requirement for arboricultural information, could be secured by planning condition. However, given I have fundamental concerns about the effect that the parking areas might have on the woodland, I do not find that it would be appropriate for this matter to be dealt with by a planning condition.
37. I therefore find that insufficient information has been provided to demonstrate that sufficient parking provision can be provided at the appeal site. Consequently, the proposal would be contrary to Policy TRA3 of the DP which requires, amongst other things, that car parking is integrated as a key element of the design of development layouts.

Woodland habitat

38. Policy DES3 of the DP requires that development proposals demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value to ensure there is no net loss of such features. Whilst I note that Government guidance states that biodiversity net gain requirements introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) are not applicable to retrospective planning permissions made under section 73A¹, Policy NE2 of the DP requires developments to demonstrate a net gain in biodiversity where it is feasible and proportionate to do so. Policy NE3 of the DP states that development should always seek to enhance biodiversity and create opportunities for wildlife.
39. The units are located within an area of woodland. The woodland is not subject to a Tree Preservation Order, nor is the appeal site within a conservation area. Nevertheless, the woodland contributes to the rural character and appearance of the area and also provides habitat that has the potential to contribute positively to the ecology and biodiversity of the area.
40. There is no arboricultural survey or impact assessment before me that clearly sets out the impact on the existing trees within the woodland. Areas adjacent to the units have been domesticated in character somewhat with the presence of residential paraphernalia and areas of bare ground. The indicative parking arrangements suggest that further areas of the woodland would need to be cleared to provide sufficient vehicle parking. Whilst not shown, it may be that further tracks and hardstanding would be required within the woodland in order to connect the parking areas to the existing track to ensure that parking is fully integrated and

¹ Gov.UK – Guidance Biodiversity net gain Published 14 February 2024 - Paragraph: 003 Reference ID: 74-003-20240214

functional. Such works in addition to any amendments to domestic external areas in the future would be likely to have a harmful effect on the habitat provided by the woodland. The appellant suggested at the hearing that a membrane could be used rather than a hardstanding, although without further information I cannot be satisfied that this would be an appropriate surfacing.

41. Whilst the clearing did provide some more open space for use by occupants, the units were all located in very close proximity to significantly sized trees, meaning that they did appear to be subject to a degree of overshadowing that may be harmful to living conditions, particularly in the longer term as the trees grow. I find that as the woodland changes there may be future pressure to remove trees or to prune them back significantly to maintain or improve the living conditions of occupants. This is due to the intimate relationship between the siting of the units and the surrounding woodland. Whilst some limited ecological enhancement measures are suggested in the Ecological Appraisal by Cherryfield Ecology (EA), no biodiversity net gain is identified.
42. I note that the Council considered the longer term impacts on the woodland in its assessment, which went further than the initial assessments carried out by the Council's Arboricultural and Ecology consultees. Nevertheless, I find that the longer term effects are an important consideration and is a matter that needs to be addressed.
43. The appellant asserts that arboricultural and ecological details could be required by condition and that mitigation can be provided. In response to future survey work it was also suggested that the units could be moved to respond to tree and ecological constraints. Nevertheless, I must deal with the appeal scheme before me with the units sited as identified. Given the significant effect that might arise to trees and the woodland habitat as a result, I am not satisfied that these matters could be dealt with by planning conditions.
44. The appellant also identified that a significant number of trees had recently been planted on the wider site. Whilst I have no reason to doubt this, it is not connected with the appeal site as defined on the site location plan, nor do I have any firm details about what has been planted and where.
45. I consider, without substantive information about the existing tree details and any works necessary in the shorter term and any future management plans that it is likely that the residential use within the woodland would lead to the loss of trees, the degradation of the woodland and harm to the habitat that the woodland provides. Whilst some limited ecological enhancement measures are suggested in the EA, no biodiversity net gain is identified. The development would therefore be contrary to Policies DES3, NE2 and NE3 of the DP, the aims of which are set out above.

Other Matters

46. The appellant states that other appeals have allowed accommodation for equestrian workers in the Green Belt on the basis of very special circumstances. The site subject to this appeal is not in the Green Belt, and I have not been provided with any specific appeal cases in order to make comparisons to the appeal before me now.

47. The Council confirmed at the hearing that the latest housing land supply figure for the district is between 3.4 and 3.7 years. In such cases, paragraph 11 d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework.
48. The Framework seeks to significantly boost the supply of housing. The appeal site would be a small site which can make an important contribution to the housing supply. Nevertheless, the development provides three units exclusively for rural workers and so its contribution to the general housing supply is limited.
49. Paragraph 88 of the Framework states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, the development and diversification of land-based rural businesses and sustainable rural tourism and leisure developments. Nevertheless, whilst I accept they provide convenience and a possible benefit in terms of staff recruitment and retention, it has not been demonstrated that three rural workers dwellings are an essential necessity for the enterprise, or that the enterprise would become unviable or not be able to continue to operate without them. Paragraph 88 of the Framework therefore offers limited support.
50. The Council raised no objections in relation to the character and appearance of the area, particularly given the units are significantly screened by the woodland. I can find no reason to disagree. A lack of harm in this respect weighs neither for nor against the development.
51. The Framework seeks to ensure dwellings in rural areas are located to enhance or maintain the vitality of rural communities and to avoid the development of isolated homes. It promotes sustainable transport and the active management of growth. It also seeks to ensure development gives priority to pedestrian and cycle movements and access to public transport, through its location and that parking considerations are integral to the design of a scheme. Paragraph 187 of the Framework states that decisions should contribute to and enhance the natural and local environment by recognising the benefits of trees and woodland and minimising impacts on and providing net gains for biodiversity. The development therefore conflicts with these paragraphs of the Framework.
52. The identified harm cumulatively attracts significant weight that would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.
53. Policies HOU5, TRA1, TRA3, DES3, NE2 and NE3 of the DP which I have found conflict with above are generally consistent with the Framework in these respects. I therefore attribute significant weight to the identified harm and the conflict with the development plan.

Conclusion

54. The development results in conflict with the development plan arising from the lack of demonstrated essential need for three rural worker's dwellings at the appeal site which is located in the countryside. Without the essential need being demonstrated, the development is also contrary to the development plan in terms of the accessibility by sustainable modes of transport. Insufficient information has

also been provided in terms of parking provision and the effect on trees and as a result the woodland habitat.

55. While I have found the development to be acceptable in terms of vehicular access, this does not outweigh the identified harm and conflict with the development plan. I therefore find that the development is contrary to the development plan as a whole. There are no material considerations, including the Framework, that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

G Dring

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Fisher	GF Planning
Alan Bloor	Reading Agricultural Consultants
Chris Green	EAS Transport Planning
Martin Roat	Freeholder of the appeal site

FOR THE LOCAL PLANNING AUTHORITY:

James Mead	Principal Planning Officer
Neil Button	Strategic Sites Team Leader