



Appeal Decision

Site visit made on 4 June 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/W0340/W/25/3361331

Oakdown Fields, Shortheath Lane, Sulhamstead, Reading RG7 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Amanda Cottingham against the decision of West Berkshire District Council.
 - The application Ref 24/00533/FULMAJ was approved on 11 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is section 73a: Variation of conditions 16 (Private Equestrian Use), 4 (CEMP), 6 (Landscaping), 7 (Biodiversity Mitigation and Enhancement Plan) and 15 (Manure Storage and Disposal) and remove condition 5 (Tree Protection) of previously approved application 21/03260/COMIND: Change of use of agricultural land to equestrian and erection of stable block/yard, manege and creation of associated access. Retention of 4 No. temporary field shelters and mobile stable unit on skids.
 - The conditions in dispute are Nos 16 and 17 which state that:
16: No materials, goods, plant, machinery, equipment, storage container, waste containers or other items of equestrian paraphernalia, but excluding water troughs, shall be stored, processed, repaired or displayed in the open land on the site other than that approved or such tools and equipment as required to carry out upkeep and maintenance of the land.
17: The stable yard shall not be open to visitors outside of the following: 07:00 - 20:00 on every day of the week. For the purposes of this condition a visitor is a person who is not the owner or an employee of the business on the site.
 - The reasons given for the conditions are:
16: In the interest of the rural character of the site. This condition is applied in the accordance with the National Planning Policy Framework, Policies CS12, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
17: To safeguard the living conditions of surrounding occupiers and to protect the rural character of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policies ENV.29 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
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Decision

1. The appeal is allowed and the planning permission Ref 24/00533/FULMAJ for section 73a: Variation of conditions 16 (Private Equestrian Use), 4 (CEMP), 6 (Landscaping), 7 (Biodiversity Mitigation and Enhancement Plan) and 15 (Manure Storage and Disposal) and remove condition 5 (Tree Protection) of previously approved application 21/03260/COMIND: Change of use of agricultural land to equestrian and erection of stable block/yard, manege and creation of associated access. Retention of 4 No. temporary field shelters and mobile stable unit on skids at Oakdown Fields, Shortheath Lane, Sulhamstead, Reading RG7 4EG granted on 11 November 2024 by West Berkshire District Council, is varied by deleting condition No 16.

Main Issues

2. The main issues are:

- in respect of condition 16, whether the condition is reasonable and necessary in the interests of the character and appearance of the area, and
- in respect of condition 17, whether the condition is reasonable and necessary in the interests of the living conditions of neighbouring occupiers and character and appearance of the area.

Reasons

Condition 16

3. The appeal site is a large parcel of land that is in use for equestrian purposes. The site is generally open with the exception of a stable block, yard and menage. Planning permission was previously granted for change of use from agricultural to equestrian with a condition requiring the site to only be used for private recreational equestrian purposes.
4. The application sought to vary this condition to allow for the use of the site for assisted livery purposes. It is intended that other people could keep their horses at the site, and these would primarily be looked after by the applicants with owners visiting occasionally. It is not intended for the site to be used for commercial riding, breeding or training.
5. It was acknowledged during the applications consideration that there may be an intensification of use, however, the maximum number of horses would remain. While there may be a slight intensification of use from visitors, the nature of the equestrian use has not changed from the previous planning permission and there is no evidence to suggest that there would be a need to store any additional items for the equestrian use.
6. It is inevitable that an equestrian use would require items in connection with the use as well as the maintenance of the land. However, the scale of such items is likely to be low, which when combined with the large and open appearance of the site is not likely to have a detrimental effect on the character and appearance of the area. It is therefore not necessary to impose a condition to try and restrict this.
7. Notwithstanding the above, I also find that the wording of the condition is unclear for the appellant as reference to equestrian paraphernalia is open and vague. It could also be considered to include most of the items that would be needed to keep horses. It would also be a difficult condition to enforce as many items required to keep the horses could also be considered to be required to carry out upkeep and maintenance of the land which is evident from the submissions before me.
8. I therefore conclude that condition 16 is not reasonable or necessary in the interests of the character and appearance of the area. There is no conflict with Policies CS12, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (CS) and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (LP). Amongst other things, these seek to ensure that the impact of development is in keeping with its location, contribute positively to local distinctiveness and sense of place and respond to landscape character.

Condition 17

9. The appeal site is generally surrounded by open fields but there are a number of residential properties on Wise's Firs, Shortheath Lane and Island Farm Road which are next to the appeal site. There is also a standalone dwelling that is located close to the entrance to the site.
10. The hours allow visitors to access the site every day of the week and for most hours of the day. I acknowledge that most of the neighbouring occupiers are not located near to the sites entrance, and that there may have been no reported noise concerns. However, unrestricted access to the appeal site has the potential to result in a moderate number of movements to and from the site during unsociable hours which would be noticeable to neighbouring occupiers.
11. I note the appellant's concerns in relation to emergencies, however, the condition does allow scope for an employee or the owner to visit the site after hours. As such, there is the ability for emergencies to be dealt with should they arise which would likely be infrequent. To allow for emergencies within the wording of the condition would lack clarity and result in the condition being difficult to enforce.
12. I acknowledge that horse owners could have competitions or beach rides, which may require access outside of the approved hours. The wording of the condition would allow for a member of staff to enter the site early and prepare a horse, this would only likely be one horse. As opposed to potentially numerous owners arriving early and late throughout the week if the condition was removed, which would have a more harmful effect on the living conditions of neighbouring occupiers which is what the condition is seeking to control.
13. While no external lighting is permitted, access after hours would still be obvious from vehicle lights, handheld torches and other lights that visitors would inevitably need for which there would be no control over.
14. The Council have also stated that the condition is required in the interests of the rural character of the area. However, the comings and goings of visitors to the appeal site would not have an effect on the rural character of the area, particularly due to the equestrian use of the appeal site, frequency and number of visits which is likely to be low.
15. Notwithstanding the above, I conclude that condition 17 is reasonable and necessary in the interests of the living conditions of neighbouring occupiers. The condition would be in accordance with Policies CS14 and CS19 of the CS and Policies ENV.29 and OVS.6 of the LP. Amongst other things, these seek to ensure that development integrates with surrounding uses and make a positive contribution to quality of life.

Other Matter

16. I acknowledge that the appellant does not wish to have an untidy yard or land and while I have no reason to disagree, I must have regard to the future occupiers of the site.

Conclusion

17. For the reasons given above the appeal should be allowed and the permission varied as set out above.

D Wilson

INSPECTOR