

Appeal Decision

Site visit made on 15 October 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6 November 2025

Appeal Ref: APP/X0415/C/23/3324615

Land at Cantosa Farm, Narcot Lane, Chalfont St Giles, Buckinghamshire HP8 4DX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Samantha Bird against an enforcement notice issued by Buckinghamshire Council.
 - The enforcement notice was issued on 28 April 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land to a mixed use comprising agricultural, residential and equestrian (the Unauthorised Use) and integral to the unauthorised use, the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding (the Unauthorised Development).
 - The requirements of the notice are:
 1. Cease the use of the land for equestrian purposes
 2. Demolish/dismantle and remove the stables.
 3. Dismantle and remove the manège.
 4. Demolish and remove the fencing.
 5. Rip up and remove the hardstanding from the Land.
 6. Remove all materials and debris resulting from complying with Steps 1 to 5 of the Notice from the Land.
 - The period for compliance with the requirements is eight (8) months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is allowed in part and permission for that part is granted, but otherwise the appeal is dismissed, and subject to a correction and a variation the enforcement notice is upheld in the terms set out below in the Formal Decision.

Background and procedural Matters

1. As drafted, Paragraph 5 of the notice includes reference to specific parts of the Land where the alleged equestrian use is to cease and/or where the alleged operational development is required to be removed. In the interests of clarity and conciseness, I have omitted those references from the Header above.
2. The appeal was made in part on ground (f) as set out in section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act) namely that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach requirements of the notice exceed what is necessary.

3. On my reading, the essence of the appellant's case on this ground of appeal is that the site has been used for equestrian purposes for over ten years. These comments are more properly interpreted as constituting an appeal on ground (d) as set out in section 174(2) of the 1990 Act namely that, at the date on which the notice was issued, no enforcement action could be taken in respect of any breach of planning control that may be constituted by those matters. Accordingly, I will treat the appellant's comments as an appeal on ground (d). The Council has had an opportunity to respond to the appellant's comments on ground (f) but chose not to do so. I am therefore satisfied that the Council will not be caused injustice by considering this ground of appeal.
4. The National Planning Policy Framework (Framework) was revised in December 2024, including in relation to Green Belt policy. The timetable for this appeal was completed before those revisions to the Framework were made. However, the revisions to the Framework made in December 2024 resulted in no significant changes relevant to the issues raised in this appeal, including in relation to Green Belt policy. I am therefore satisfied that I can consider this appeal on the evidence that was submitted in accordance with the appeal timetable without further recourse to the parties.

The Planning Unit

5. The breach of planning control alleged in the notice is the material change of use of the Land to a mixed use comprising agricultural, residential and equestrian use and, integral to that use, the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding. Where an enforcement notice alleges a material change of use, it is first essential to understand the planning unit in which that material change of use is said to have occurred.
6. The leading case for the determination of the planning unit is well-known judgment in *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207. This case indicates that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically and/or functionally separate and distinct, and/or occupied for different and unrelated purposes. In *Burdle*, Bridge J suggested three broad categories of distinction:
 - a) A single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary;
 - b) A single planning unit that is in a mixed use because the land is put to two or more activities and it is not possible to say that one is incidental to another;
 - c) The unit of occupation comprises two or more physically separate areas which are occupied for different and unrelated purposes. Each area that has a different primary use ought to be considered as a separate planning unit.
7. It is necessary to apply the principles established in *Burdle* to the facts of this case.
8. The wider site known as Cantosa Farm comprises a bungalow with fields to the south, east and west. The appellant maintains that these fields are in equestrian use. I noted at the site visit that horses/ponies were grazing on these fields, and that there were a number of field shelters on the periphery of the field.

9. There is no dispute that the entirety of the wider site known as Cantosa Farm is now within the ownership of the appellant. The site is therefore a single unit of occupation for the purposes of *Burdle*.
10. On the evidence available to me, including my own observations at the site visit, it appears that the single unit of occupation comprises two physically separate areas which are occupied for different and unrelated purposes. The first of these is the bungalow and its curtilage, which are in residential use. The Certificate of Lawfulness granted in or around 2020 (Council Ref: PL/20/3647/EU) indicates that the residential use of the bungalow is no longer tied to the use of the surrounding land, and as such is a separate use.
11. Whilst I make no formal determination on the matter, for the reasons set out below the last lawful use of the remainder of the land appears to have been an agricultural use. Consequently, it appears to me that, as matter of fact and degree, the unit of occupation before the breach of planning control occurred fell within the third category identified in *Burdle* with two separate planning units, with the respective primary uses being residential and agriculture.
12. It is settled case law that an enforcement notice can relate to just part of a planning unit. In this case, the requirement at paragraph 5(1) of the notice specifically requires the use of the land for equestrian purposes to cease only within the rectangular area shown hatched on the plan attached to the notice. This part of the unit of occupation is wholly outside of the planning unit comprising the bungalow and its curtilage. The breach of planning control that has occurred is therefore more correctly described as the material change of use of the land (the area shown hatched on the plan attached to the notice) from agricultural use to equestrian use. I am satisfied that I can correct the notice in this respect without causing injustice.

The Enforcement Notice

13. Paragraph 2 of the notice identifies the land to which the notice relates as being Land at Cantosa Farm, Narcot Lane, Chalfont St Giles, Buckinghamshire, HP8 4DX, shown edged by a **thick black line** on the attached plan (emphasis as in the notice). The difficulty is that there are two thick black lines shown on the plan attached to the notice. These lines are of the same thickness, such that is impossible to distinguish between them.
14. The first of these thick black lines extends around the periphery of the site, albeit only part of the total land in the appellant's ownership is shown (and therefore enclosed by that black line). The second thick black line is of a rectangular shape, wholly within the area depicted by the other black line around the periphery of the land owned by the appellant. The operational development alleged in the notice, specifically the stable block, the manège and associated fencing and the hardstanding, are all depicted as being within that rectangle and are annotated on the plan attached to the notice.
15. Reading the breach of planning control alleged in the notice and the plan attached to the notice together, the land to which the notice relates is clearly intended to be Cantosa Farm as a single unit of occupation. The description of the breach of planning control as a mixed use comprising agricultural, residential and equestrian must mean that the notice relates to both of the planning units constituted by Cantosa Farm as a single unit of occupation: the residential use takes place wholly outside of the rectangular area shown as

- hatched on the plan attached to the notice. I therefore take the outer thick black line as identifying the land to which the notice relates.
16. It is unfortunate that the plan that is attached to the notice does not show the whole of the unit of occupation. However, when read in conjunction with the description of the land to which the enforcement notice relates in paragraph 2 of the notice, the notice when read as whole gives a sensible indication of the precise boundaries of the land to which the notice relates. I also note that the plan included with the Enforcement Notice Report provided as part of the Appeal Questionnaire does show the whole of the unit of occupation enclosed by the thick black line, which confirms that the Council did intend that the land to the notice relates includes the whole of the unit of occupation.
17. I am mindful that plan showing the whole of the unit of occupation was not available to the recipient of the notice at the time it was issued. Nevertheless, I am satisfied that the plan attached to the notice, whilst perhaps not as clear as it ought to be, does accord with the Town and Country Planning (Enforcement Notice and Appeals) (England) Regulations 2002.
18. The appellant criticises the reasons given for issuing the notice as being imprecise and ambiguous but makes no similar criticism of the plan attached to the notice. I also note that the appellant has made a full and detailed appeal against the issue of the notice and, notwithstanding any ambiguity with the plan attached to the notice, has clearly understood what the alleged breach of planning control is and what must be done to comply with it. I am therefore satisfied that the ambiguity with the plan attached to the notice has not caused injustice to the appellant.
19. The corollary of the above is that here is a curious situation whereby the Council requires the cessation of the equestrian use only within the area shown hatched on the plan attached to the notice¹ but not within the wider unit of occupation. As indicated above, the description of the breach of planning control in paragraph 3 of the notice as a mixed use comprising agricultural, residential and equestrian use, when taken together with the outermost thick black line on the plan attached to the notice encompassing the whole of the unit of occupation, can only mean that the notice relates to the whole of the unit of occupation known as Cantosa Farm, even though the requirements to comply with the notice in paragraph 5 of the notice only apply to the area shown hatched on the plan attached to the notice.
20. Section 173(11) of the 1990 Act provides that (a) where an enforcement notice in respect of any breach of planning control could have required buildings or works to be removed or any activity to cease, but does not do so; and (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A of that Act in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

¹ Paragraph 5(1) of the notice only requires to cease the use of the Land, (shown on the approximate position marked hatched on the attached Plan), for equestrian purposes (the Unauthorised Use).

21. It is settled case law that section 173(11) has effect only in relation to works that are alleged by the notice to constitute a breach of planning control. In this case, the breach of planning control alleged includes an equestrian use. It therefore follows that, intentionally or otherwise, by not requiring the cessation of the equestrian use outside of the area shown hatched on the plan attached to the notice but within the unit of occupation to which the notice relates, unconditional planning permission for that equestrian use will have been granted through section 173(11) of the 1990 Act *provided that all the requirements of the notice have been fully complied with*. This does not apply to the equestrian use of the smaller parcel of land within the area shown hatched on the plan attached to the notice.
22. The breach of planning control alleged at paragraph 3 of the notice is, in part, the erection of a stable block. The attendant requirement at paragraph 5(2) of the notice is to demolish/dismantle and remove the *stables* (emphasis added). There is consequently a slight mismatch between the breach of planning control alleged in the notice and the requirement to comply with it. It is essential that a breach of planning control alleged in a notice and the requirement to comply with it are internally consistent. I will therefore vary the notice to ensure that is the case here. It is apparent that the appellant has understood the notice and what must be done to comply with it. I am satisfied that no injustice would be caused by so doing.

The appeal on ground (d)

23. In order to succeed on this ground, the appellant must show that the equestrian use had been continuous for a period of ten years beginning with the date of the breach. The test in this regard is the balance of probability, and the burden of proof is on the appellant.
24. The appellant explains that her knowledge of the site prior to her purchase in June 2022 is that the previous owner of the site, Chalfont Grammar School, kept over 30 horses on the land. Additionally, the appellant points to a Statutory Declaration submitted in relation to a previous application relating to Cantosa Farm for a Certificate of Lawfulness for an existing use, in which it was stated that horse liveries started in about 2008 with eight stables, housing between six and ten horses which also grazed the land.
25. The Certificate of Lawfulness for which the Statutory Declaration was provided sought to show a breach of condition 7 of planning permission CH/1984/0863/FA for over 10 years by occupiers not solely or mainly, or last employed in the locality in agriculture (Council Ref: PL/20/3647/EU). The Certificate was granted, which suggests that the land was not in agricultural use at that time the application was submitted. However, that does not necessarily mean that the lawful use of the land was equestrian use: it only shows that the bungalow on the site was occupied by a person(s) not solely or mainly, or last employed in the locality in agriculture.
26. As part of her evidence, the appellant produces a message purportedly posted on social media by the previous owner of Cantosa Farm. Although not specifically stated in the message, I take this to be a posting from someone associated with Chalfont Grammar School. The message is dated 15 June 2021 and states, amongst other things: "So the gates of Cantosa are closed for the final time". The strong implication behind that message is that the use of Cantosa Farm for equestrian purposes ceased in or around June 2021.

27. The appellant states that she purchased Cantosa Farm in June 2022. That is a full calendar year after the use by Chalfont Grammar School ceased. There is no evidence before me that the land was used for equestrian purposes in that intervening calendar year.
28. It is settled case law that a use can only be regarded as dormant for planning purposes when the use has already accrued lawfulness through the passage of time or is otherwise lawful. In all other circumstances, it is settled case law that a use can only become lawful if it continues throughout the relevant immunity period, such that the local planning authority could have taken enforcement action at any time.
29. In this case, the evidence before me is that there was a break in the equestrian use of the land for more or less a whole calendar year. The Council could not have taken enforcement action during that time, simply because the use was not taking place. Although there is some evidence to suggest that liveries may have begun in or around 2008, some 13 years previously, there is no evidence to demonstrate that the use was lawful through taking place continuously over that period when it ceased in or around June 2021. Consequently, the use cannot be considered to have been dormant during the period between the use by Chalfont Grammar School ceasing and the appellant purchasing the site.
30. This is a situation where the local planning authority has no evidence of its own to contradict that of the appellant or make her version of events less than probable. However, I find that the appellant's evidence is not sufficiently precise and unambiguous on its own to demonstrate that the equestrian use has been continuous for the requisite for period.
31. I conclude that, on the balance of probabilities, the use of the appeal site for equestrian purposes has not been continuous for a period of ten years beginning with the date of the breach and as such is not lawful. I therefore conclude that at the date on which the notice was issued, the Council was in a position to take enforcement action in respect of those matters constituting the breach of planning control alleged in the notice. Accordingly, the appeal on ground (d) fails.

The appeal on ground (a) and the deemed planning application

32. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
33. The appeal site is within the Green Belt. The Council has stated one substantive reason for issuing the enforcement notice, from which the main issues raised are:
- whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt
 - the effect, if any, on the character and appearance of the area, and
 - if the breach of planning control alleged in the notice is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the development is inappropriate development in the Green Belt

34. Paragraph 154(h)(v) of the Framework indicates that a material change in the use of land is not inappropriate in Green Belt provided it preserves the openness of Green Belt and do not conflict with the purposes of including land in Green Belt.
35. An equestrian use is generally considered to be a use for outdoor sport or recreation for the purposes of the Framework. The issue here is therefore whether the equestrian use preserves the openness of the Green Belt and conflicts with the purposes of including land in Green Belt.
36. In this case, the equestrian use manifests itself in built development, specifically the stable block, the manège, the fencing and the hardstanding. It is therefore whether that operational development preserves the openness of Green Belt and conflicts with the purposes of including land in Green Belt that I need to consider.
37. The Courts have held that matters relevant to the openness of the Green Belt are a matter of planning judgement and that openness can have both a spatial aspect as well as a visual aspect. In *Goodman Logistics Development (UK) Ltd v Secretary of State for Communities and Local Government and another* [2017] EWHC 947, it was held (amongst other things) that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt. I therefore firstly set out my perception of the wider site and its surroundings in terms of its openness before assessing the impact on openness, if any, of the operational development that is alleged.
38. The appeal sits within an extensive area of open fields and paddocks between Narcot Lane and Bowstridge Lane. The land is essentially flat but long-distance views are restricted due the presence of boundary trees and hedges. Nevertheless, some built form is visible in these long-distance views, principally to the south of the appeal site. There are also some buildings visible from the appeal site located to the north of it. In addition, there is the bungalow and a farm building on the site itself, the latter being a substantial structure.
39. On the appeal site itself, the stable block and manège stand in isolation and are separate from the bungalow and farm building. Moreover, although the stable block and manège can be viewed in conjunction with the built development to the north and south of the site from some vantage points within the site itself, those views are typically at a distance and across open land. From other vantage points, views from the stable block and manège are across open paddocks towards trees and vegetation. The common denominator is therefore that views towards and from the stable block and manège from within the appeal site itself are typically across an expanse of open land.
40. In views from outside the appeal, specifically in long distance views from Narcot Lane, the stable block and manège are visually associated with the bungalow and/or the substantial farm building. These views can only be obtained in glimpses through gaps in the boundary hedge and as such are not widely available to the public. Nevertheless, these views provide a helpful indication of how the stable block and manège sit in the surrounding landscape.

41. My perception is that the stable block and manège are typically viewed in the context of a generally open landscape in which built development is not common and certainly is not visually prominent. It is helpful to consider each of the operational developments alleged in the notice individually in the first instance, before considering the cumulative impact on the openness of the Green Belt in this locality.

The stable block

42. The stable block is a substantial building. The stable block is U-shaped, with the base of the 'U' being some 27.4 metres in length. Each arm of the 'U' is some 17.6 metres in length. The building is single storey in height, with gable ends and a pitched roof.
43. In spatial terms, by reason of length, width and height, the building significantly harms the openness of the Green Belt. In no small part, this is as a result of the verticality of the walls and gable ends of the building.
44. In visual terms, for the same reasons the stable block significantly harms the openness of the Green Belt. Both the spatial and visual effects are particularly evident within the appeal site itself but are also evident in glimpsed views from outside of the appeal site obtained through gaps in boundary hedge. In close views, the fencing in front of the stable block exacerbates that harm.

The manège and fencing

45. The manège measures some 60m in length by 30m in width, resulting in a total area of some 1,800m². The manège is completely enclosed by a post and rail fence/gates of some 1m in height.
46. In spatial terms, the surface of the manège has only a very limited effect on the openness of the Green Belt. However, because the fence encloses the whole of that surface, to a limited extent the fence harms the openness of the Green Belt in spatial terms.
47. In visual terms, by reason of the light-coloured surface material from which it is constructed (silica sand), the surface of the manège significantly harms the openness of the Green Belt. That visual harm is exacerbated by the fencing that surrounds the manège.

The hardstanding

48. The stable block sits on a concrete base that extends slightly to the rear. The stable block is surrounded by hardstanding.
49. In spatial terms, the concrete base and hardstanding have only a limited effect on the openness of the Green Belt. However, by reasons of the materials used, the concrete base and hardstanding significantly harm the openness of the Green Belt in visual terms.

Openness - cumulative impact

50. The Oxford English Dictionary (OED) defines 'preserve' as maintaining something in its original state. It follows that any effect of development on the openness of the Green Belt, however slight, would not maintain the openness in its original state and would not preserve the openness of the Green Belt.

51. In this case, both individually and the cumulatively the stable block, the manège, the fencing and the hardstanding significantly harm the openness of the Green Belt. It follows that the operational development associated with the material change in the use of land alleged in the notice does not preserve the openness of Green Belt.

The purposes of including land in Green Belt

52. Paragraph 143 of the Framework sets out the five purposes of Green Belt, one of which is to *assist* in safeguarding the countryside from encroachment (emphasis added). As indicated above, the stable block is a substantial building. There are existing buildings on the site, including the bungalow and a former farm building. In some views, including in views from Narcot Lane (through gaps in the boundary hedge), the stable block is viewed against the backdrop of those buildings. In other views, the building is seen as a free-standing structure.
53. In all these views, the stable block adds to the total of built development on the appeal site. To that albeit limited extent, the stable block in particular does not safeguard the countryside from encroachment. It is relevant that paragraph 143 of the Framework refers to the purpose of the Green to assist in safeguarding the countryside from encroachment. It follows that even a limited incursion of built development into the countryside, as in this case, would not achieve that objective.
54. I conclude that by reason of the built development associated with it the material change of use alleged in the notice fails to preserve the openness of Green Belt and conflicts with the purposes of including land in Green Belt. I therefore conclude that the breach of planning control alleged in the notice constitutes inappropriate development in Green Belt for the purposes of Paragraph 154(h)(v) of the Framework.
55. Paragraph 153 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. That paragraph goes on to indicate that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Character and appearance

56. The appeal site sits within an extensive area of open fields and paddocks between Chalfont St Giles and Chalfont St Peter. Within that area, the limited built development that is present typically comprises a mixture of agricultural and equine development, with isolated elements of residential development. Overall, the area surrounding the appeal site exhibits an overtly rural character and appearance.
57. The appellant has referred me to examples of equestrian uses and associated built development in the vicinity of the appeal site. These include sites known as Olde Chelsea, Little Bowstridge and Windmill Farm, all of which have associated built development that is broadly comparable to that at the appeal site. Equestrian uses and the associated built development therefore form an established part of the character and appearance of the wider rural landscape in which the appeal site is located.

58. The reasons for issuing the notice allege that the operational development and associated paraphernalia have an urbanising appearance is incompatible with the rural character of the surrounding area. By reason of its size, scale and prominent position within the site, the stable block is visually intrusive within the landscape. This is exacerbated by the adjoining manège. However, both a stable block and a manège are intrinsic to an equestrian use, which is a use that is typically associated with a rural location.
59. There is no evidence before me that the lawful use of the appeal site is for equestrian use. Consequently, the operational development and associated paraphernalia are not viewed in the context of a lawful equestrian use but are viewed in the context of an agricultural use of the land. Nevertheless, given that an equestrian use is intrinsically associated with rural areas, as a matter of principle the operational development alleged in the notice cannot be said to have an urbanising appearance and in principle is not incompatible with the rural character of the surrounding area.
60. I conclude that the breach of planning control alleged in the notice does not harm the character and appearance of the area. I therefore find no conflict with Policy R13 of the Chiltern District Local Plan (Local Plan) which, amongst other things, requires that development has no detrimental impact on the visual amenity of the locality in which it would be sited.

Other considerations

61. The appellant explains that she specialises in caring for horses that require rehoming following rehabilitation and has registered with three charities (RSPCA, SAFE and Luest Trust) to be able to foster and provide safe accommodation to any horses that need rehoming within the surrounding area. The appellant explains that there is a need for this type of care to be provided as there are insufficient facilities for fostering of horses.
62. I have no doubt that the appellant provides a valuable service by taking in horses that require rehoming. However, there is no evidence before me from any of the charities concerned as to the extent of the need for this type of care. Neither is there any evidence before me as to the percentage of horses kept at the site that fall within that category.
63. Moreover, the appellant indicates that five ponies used the stables and paddocks at the date on which the appeal was made. There is no evidence before me as to how many, if any, of those five ponies were taken in from the above charities because they required rehoming.
64. The stable block provides stabling for 14 horses, significantly in excess of the five ponies on the site at the time the appeal was submitted. It therefore appears to me that the overall size of the stable block is a function of the appellant's future aspirations rather than a demonstrable need for a stable block of that size. Indeed, the appellant herself confirms that she *aims* to increase the number of ponies/horses on the site, partly due to being registered with the above charities (emphasis added). For that reason, I only attach limited weight to this consideration.
65. The appellant goes on to explain that the British Horse Society Regulations (BHSR) require a minimum standard of accommodation for a horse, including the correct stable size and height of stable. The BHSR require that a stable for

a horse should be a minimum size of 3.65m x 3.65m and recommend a roof height of up to 3.4 metres. The proposed stables have been designed to meet these size requirements and thereby provide appropriate accommodation for the horses. Additionally, the appellant explains that accommodation is required for storing associated equipment, tack and feed.

66. I fully understand that compliance with the BHSR is essential in order to safeguard the welfare of the horses and in that respect is important. However, the BHSR go to the requirements for individual stables and not to the size/height of the stable block as a whole. Consequently, whilst I acknowledge that there is an additional need for some space to store associated equipment, tack and feed, compliance with the BHSR provides no justification for the overall size of the stable block.
67. Similarly, I recognise that the hardstanding is essential for the welfare of the horses. The extent of the hardstanding is again a function of the size of the stable block, for which no demonstrable need has been demonstrated.
68. I recognise that the manège provides a valuable year-round training and exercise facility, particularly during times when the ground is too wet, too soft or too hard for horses to be ridden safely. The on-site manège also reduces the need to travel to alternative off site facilities.
69. The salient point, however, is that this would be an important consideration if the lawful use of the land was shown to be for equestrian use. That is not the case here albeit I am mindful of the implications of section 173 (11) the 1990 Act in this case. However, that would only apply in the event that all the requirements of the notice had been fully complied with. This would include the demolition of the stable block (and the manège) which would negate the reason for the manège in the first place. Consequently, I attach only minimal weight to this consideration.
70. There was a stable block previously located on the site, but which has now been demolished. Aerial photographs show that building to have been in place until at least 2022. Those photographs and another taken at ground level also show that the stable block then on the site was considerably smaller than the stable block subject to the notice. There was also considerably less hardstanding associated with that stable block, and no attendant manège. The impact on the openness on the Green Belt was therefore substantially less than that resulting from the stable block and manège subject to the notice and accordingly provides no justification for them.
71. I have considered whether the imposition of suitably worded conditions could overcome the harms that I have identified above and make the development acceptable in planning terms, including those suggested by the appellant and the Council. However, in my view the harms identified, particularly in terms of the impact on openness, are intrinsic to breach of planning control that has occurred and could not be overcome by the imposition of conditions.
72. Section 177(1) of the 1990 Act provides that planning permission may be granted in relation to the whole or any part of the matters stated in the notice or in relation to the whole or any part of the land to which the notice relates. The equestrian use of the land is part of the matters stated in the notice and it is therefore necessary for me to consider whether I could grant planning permission for the equestrian use in isolation.

73. The difficulty is that there is no evidence before me to show that an equestrian use would be an acceptable use of the land in planning terms. This goes beyond just the effect of the use, if any, on the openness of the Green Belt and the purposes of including land in Green Belt. There are potentially many diverse considerations in relation to an equestrian use of land which I would need to take into account, but on which I have no evidence.
74. However, I am mindful that not granting planning permission for the equestrian use of the land within the area shown hatched on the plan attached to the notice together with provisions within section 173(11) of the 1990 Act could result in a bizarre situation where this became an 'island' of land in agricultural use surrounded by land in equestrian use². Due to its small size, this 'island' of agricultural land would serve no useful purpose. The practical solution is therefore to grant planning permission for the equestrian use of the land within the area shown hatched on the plan attached to the notice, such that all of land outside of the planning unit in residential use (bungalow and curtilage) would have planning permission for equestrian use³.
75. I have considered whether I could grant planning permission for a stable block or the manège in isolation. However, in either case the development would still cause unacceptable harm to the openness of the Green Belt.
76. I have also considered whether I could grant planning permission for either a stable block and/or a manège of a reduced size. The difficulty there is that, in the absence of a detailed alternative scheme, it is not possible to describe with sufficient precision the dimensions and specifications of a reduced stable block and/or a manège in order for it to have an acceptable impact on the openness of the Green Belt. Furthermore, I am mindful that a manège would need to be surrounded by fencing, and I would not be able to describe with sufficient precision the dimensions and specifications of a manège of a reduced area surrounded by fencing. I have therefore not considered these options any further.

Green Belt balancing exercise and conclusion on the ground (a) appeal

77. In accordance with paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development constituted by the breach of planning control alleged in the notice, including the harm to its openness.
78. I find no harm to the character and appearance of the area. This is therefore neutral factor in the overall balance.
79. Against the harm identified above, I attach limited weight to the fact that the appellant specialises in caring for horses that require rehoming following rehabilitation. I attach minimal weight to compliance with the standards set by the BHSR. Similarly, I attach minimal weight to the benefits derived from the manège providing a year-round training and exercise facility. I also attach minimal weight to the existence of the previous stable block on the land.

² Assuming that the notice is fully complied with.

³ Again, assuming that the notice is complied with. For the avoidance of any doubt, this does not grant planning permission for any operational development on the land in equestrian use (including the field shelters), none of which was subject to the notice. Section 173(11) does therefore not apply to that operational development.

80. Consequently, the harm by reason of inappropriateness and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development as a whole do not exist.
81. I have found no conflict with Policy R13 of the Local Plan, but the Council also cites policies GB1 and GB2 of the Local Plan in the reasons for issuing the notice. Policy GB1 relates to the extent of the Green Belt in the District, whereas Policy GB2 states that planning permission will be refused for inappropriate development in the Green Belt. The development to which the notice relates is contrary to those policies. I have not been advised of any material considerations of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan.
82. I conclude that planning permission ought to be granted for the equestrian use of the area shown hatched on the plan attached to the notice. The appeal on ground (a) will be allowed in relation to that matter only. In all other respects, I conclude that planning permission ought not to be granted for matters stated in the notice. The appeal on ground (a) will be dismissed in those respects.

The appeal on ground (f)

83. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice include to demolish/dismantle and remove the stables; to dismantle and remove the manège; to demolish and remove the fencing and to rip up and remove the hardstanding from the Land. The purpose of the notice must therefore be to remedy the breach of planning control that has occurred. The appellant understands this to be the case.
84. As indicated above, the appellant's case on this ground of appeal is more properly interpreted as constituting an appeal on ground (d) as set out in section 174(2) of the 1990 Act. I have considered that ground of appeal above. The appellant has advanced no lesser steps to comply with the notice.
85. I have considered whether there are any other suitable alternatives to the requirements stated in the notice which would achieve the purpose of the notice with less cost or disruption to the appellant, but none are obvious to me. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

86. The ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period for compliance specified in the notice is eight (8) months. The appellant seeks a period of compliance of 12 months.
87. My task in relation to this ground of appeal is to balance the public interest in securing expeditious compliance with enforcement notice against the private interest bound up in the development subject to the notice. In so doing, the

starting point is that the operational development subject to the enforcement notice does cause the harm that I have identified above.

88. The appellant's case on this ground of appeal is that the period of compliance should 12 months given the large amount of organisation and work involved to find alternative stabling for the horses. Additionally, there is currently (in the appellant's view) an unprecedented amount of time to wait for a builder to be able to remove the development.
89. There is absolutely no evidence to support the latter contention. For example, the appellant has not provided quotes or statements from suitably qualified contractors to show that the operational development could not be removed in its entirety within the period of eight months specified in the notice due to other commitments and/or a lack of availability.
90. Similarly, there is no evidence to show that there would be any difficulty in finding alternative stabling for the horses. For example, there is nothing before me to show that other stables have been approached and have no capacity to accommodate the horses currently at the appeal site. In the absence of that evidence, there is no foundation to extend the period of compliance.
91. I recognise that relocating the horses to alternative stables would require a lot of organisation but equally I am mindful that the period of compliance as stated in the notice is eight months. Given the timetable that the appeal has followed, the whole of that period of compliance will now extend over the winter months and into the early summer months. The horses would therefore be sheltered during the worst of the inclement weather and, with a reasonable period in which to find alternative stabling, could be relocated during the summer months.
92. Against that, the protection of the Green Belt is a long-standing objective of national planning policy and is an objective to which the Framework attaches considerable importance. The protection of the Green Belt is also a key objective of policies in the development plan for the area. It follows that expeditious compliance with the enforcement notice would be in the public interest.
93. In weighing the balance between public and private interests, for the reasons set out above I consider that the public interest in expeditious compliance with the requirements of the enforcement notice outweighs private interest in extending that period of compliance. I am, therefore, not persuaded that there is any need to extend the period for compliance with the notice and am satisfied the period of compliance of eight months stated in the notice is a proportionate response to the breach of planning control that has occurred. Accordingly, the appeal on ground (g) fails.

Conclusion

94. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the equestrian use of the land shown as hatched on the plan attached to the notice. In all other respects, I will uphold the notice and refuse to grant planning permission in respect of the other the matters stated in the notice, specifically the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding on the land shown as hatched on the plan attached to the notice.

The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act.

Formal Decision

95. It is directed that the notice is corrected by:

- deleting paragraph 3 of the notice in its entirety and substituting there the words:

The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from an agricultural use to an equestrian use (the Unauthorised Use) and integral to the unauthorised use, the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding (the Unauthorised Development)

96. It is directed that the notice is varied by:

- in paragraph 5(2) of the notice, deleting the words 'stables' and substituting there the words 'stable block'.

97. The appeal is allowed insofar as it relates to the equestrian use of the land shown as hatched on the plan attached to the notice and unconditional planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the equestrian use of the land shown as hatched on the plan attached to the notice.

98. Subject to the correction and variation, the appeal is dismissed in all other respects and the enforcement notice is upheld insofar as it relates to the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding on the land shown as hatched on the plan attached to the notice and planning permission is refused in respect of the erection of a stable block, the construction of a manège, associated fencing and the laying of hardstanding on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul Freer
INSPECTOR