



Appeal Decision

Site visit made on 28 October 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/R1010/W/25/3368227

Land adjacent to 36 Harvester Way, Clowne, Chesterfield, Derbyshire S43 4FF

- 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 Mr John Allsop against the decision of Bolsover District Council.
 - The application Ref is 24/00560/FUL.
 - The development is the change of use to equestrian and siting of 2 x wooden field shelters.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to equestrian and siting of 2 x wooden field shelters at Land adjacent to 36 Harvester Way, Chesterfield, Derbyshire S43 4FF in accordance with the terms of the application, Ref 24/00560/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following drawings: red line site plan, field shelter No 1 elevations and field shelter No 2 elevations.
 - 2) The use of the land and buildings shall be for the keeping of horses for private use only. No trade, business or commercial use in connection with the keeping of horses shall be carried out.

Preliminary Matters

2. The development has already been undertaken and therefore I have considered the appeal on the basis that it is a retrospective proposal. I have however omitted reference to retrospective in the description of development in the banner header and formal decision above, as that in itself is not a form of development.
3. The development does not fall within any of the exceptions for countryside development set out in policy SS9 of the Bolsover Local Plan 2020 (LP). I shall return to this matter later in my decision.

Main Issue

4. The main issue is the loss of protected green space, as identified in the development plan.

Reasons

5. The appeal site is identified as protected green space in the LP. The change of use of such land to other uses is resisted by Policy ITCR6 of the LP unless either a satisfactory replacement facility is provided or the proposal is of a greater overall

benefit to the local community than existing or realistic potential uses of the green space. No replacement facility is proposed as part of the appeal submission.

6. The circumstances pertaining to the appeal site and it becoming allocated as green space are unusual in that it formed neither part of the adjacent housing development nor does it form part of the adjacent sports facility. This would seem to be because the title of the land was not registered, and ownership could not be established. To all extents and purposes, it is land left behind after planning which the appellant then began using for equestrian purposes.
7. In such a context, it is unsurprising that the Council focuses on the potential future uses of the green space, as it would seem that there has never been a formal 'existing' use in green space terms. The Council accepts that the land was used for equestrian purposes at the time the LP was adopted, albeit without the benefit of planning permission. They suggest that they intend to explore the possibility of compulsorily purchasing the land so that it can be used as green space in the future. However, details of whether this is likely to be possible, whether it would represent a good use of public money, and any updates in terms of progress that has been made in moving that process forward since the planning application was submitted are notably lacking.
8. Even if that was shown to be a realistic future use, there is evidence in the many representations received from interested parties that the equestrian use has been of considerable benefit to the community, who for the most part welcome the presence of the horses on the site. Reference is made both to the benefits of having horses on the site as a relief from the urban feel of the housing estate and to the land being maintained in a good condition as a result of the use. This use also maintains the land as open in character, albeit without public access. In comparison, there would be a more limited benefit in securing the appeal site as green space, given that it is a narrow section of land and that there is a much larger and more usable area of public green space adjacent.
9. There is also reference by the Council to the potential for a footpath link to be created across the appeal site to the adjacent playing fields. However, the appeal site runs parallel with what appears now to be an all-weather pitch enclosed by fencing which presumably is not accessible to the general public without prior booking and payment. It is not clear if other playing fields are located adjacent to this, but crossing the appeal site would not be the only option to reach them via the protected green space in the area. Furthermore, it has not been demonstrated that such a link is a longstanding or safeguarded aspiration, and there appear to be other footpath options in the vicinity. A potential footpath link would not in these circumstances outweigh the benefits I have identified as arising from the equestrian use.
10. For these reasons, I find that the use of the appeal site for equestrian purposes has had a greater overall benefit to the local community than the potential future use as a green space would, an occurrence which in any event is far from certain to occur on the basis of the information that has been put before me. Consequently, the development accords with Policy ITCR6 of the LP, where it sets out the criteria under which the loss of green space will be permitted.

Other Matters

11. The Council confirms in its submissions that the appeal site did not form part of the intended green space for the adjacent housing development. Changes made to the site fencing with respect to the insertion of a gate and the incorporation of electric fencing and irrigation are minor alterations which have had no adverse impact upon the character and appearance of the area. The two field shelters are also acceptable in visual and locational terms.
12. Whilst concern has been raised as to a loss of privacy because of the proximity to the nearest dwellings, there is a reasonable degree of separation. Furthermore, the Council's suggested use as green space would involve use by the general public, and it would be expected there would be a more frequent presence on the site in such circumstances than is likely to occur in conjunction with an equestrian use. The use is not likely to result in anti-social behaviour in a general sense, and the reference to such in the representations received does not relate directly to the land use that is taking place.
13. There is the potential that straw, hay, feed and mud make their way beyond the confines of the site, especially in certain weather conditions. However, concern about this from interested parties is limited, and I am not persuaded that it is of a magnitude that causes harm to the living conditions of the occupiers of nearby dwellings or harm in any other respect. Nor is there any substantive evidence that the keeping of the horses results in unacceptable noise, and again representations raising this concern are very limited in their quantity. The Council have suggested a condition preventing trade, business or commercial use if the appeal were to be allowed, and this would serve to safeguard living conditions.
14. The possibility that hay is being stored at a nearby dwelling is not a matter which falls within the scope of my consideration as to whether the land use of the appeal site is acceptable, and it would take place outside of the red line site area. There is no suggestion before me that horses have escaped from the appeal site, or that if they did there would be any real likelihood that they would cause injury to people or cause damage to property.

Planning Balance

15. As noted above, the proposal fails to accord with Policy SS9 of the LP as a type of new development in the countryside that is not referred to in that policy. However, I concur with the Council that there is no harm in landscape or visual terms, especially given that the appeal site now finds itself hemmed in by a new housing estate and sports facilities and that there has been no notable built development involved. I find compliance with Policy ITCR6 and in doing so that community benefits have arisen from the use. These considerations outweigh what is a technical 'in principle' breach of Policy SS9 and mean that planning permission should be granted.

Conditions

16. I have imposed a condition relating to the approved plans, in the interests of providing certainty. A condition is necessary to ensure that the land and buildings are not used for trade, business or commercial use in connection with the keeping of horses, given the proximity to dwellinghouses and that such uses would be likely to be materially different in their impact on living conditions.

17. The Council further suggest a condition requiring that the approved buildings must be maintained in a dark green, dark brown or black colour, but no reason is advanced for this condition. Given that the buildings are modest in size, set towards the very far end of the appeal site, are well screened by established vegetation and are arguably currently light brown in colour (not dark green, dark brown or black), such a condition is neither reasonable nor necessary.
18. In their Committee Report Planning Officers recommended that a condition be imposed limiting the planning permission to a temporary period, although this has not been carried forward as a suggestion in the appeal submissions. However, I have found that the use is acceptable and that its benefits outweigh the alternative benefits outlined by the Council, thus ensuring compliance with the relevant policy of the development plan that relates to the loss of green space. Such a condition is therefore not necessary.

Conclusion

19. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR