



Appeal Decision

Site visit made on 7 January 2026

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04 February 2026

Appeal Ref: APP/C1950/W/25/3372741

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Julian Sherriff against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2024/1680/MAJ.
 - The development proposed is the change of use of land to 'Outdoor sport and recreation' and the construction of an equestrian livery building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is apparent that the equestrian livery building, two horse walkers and containers on either side of the livery building have already been erected. However, the proposed change in the use of other land which is currently used for agriculture has not taken place. I have determined the appeal on that basis.
3. The Council have indicated that there are some discrepancies between what has been erected and the appeal drawings. For the avoidance of doubt I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - Whether the proposal would result in the unacceptable loss of the best and most versatile agricultural land;
 - Whether adequate information has been provided to demonstrate whether or not the proposed development would be at an unacceptable risk of flooding; and
 - Whether or not the harm by reason of the proposal being inappropriate development within the Green Belt, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions and certain other types of development that are also not inappropriate in the Green Belt as set out in paragraphs 154 and 155 of the Framework. This includes the provision of appropriate facilities including buildings for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It also includes the material change in the use of land, such as changes of use for outdoor sport or recreation again provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. Policy SADM34 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 adopted in October 2023 (WHLP) is generally consistent with the Framework as it sets out that within the Green Belt permission will be granted for development in accordance with national policy and other policies of the plan and that proposals for appropriate facilities for outdoor sport and recreation will need to demonstrate they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it. Further, proposals for a change of use will need to demonstrate that the proposal would preserve the openness of the Green Belt, minimise any impact on openness and is consistent with the settlement and rural areas strategies as well as the principles of sustainable development set out in the WHLP.
8. The proposal would involve the construction of a livery building, two horse walkers and containers on either side of the livery building as well as the change of the use of the land from agriculture (grazing) pasture to outdoor sport or recreation.
9. It has been long established that while the grazing of horses remains an agricultural use, a change of use is required to use the land for equestrian related outdoor sport or recreation. It is the same for the related facilities such as a livery building, horse walkers and the containers. It follows that given the guidance contained within the Framework and the WHLP it is necessary to consider whether the facilities and the proposed change of use preserve openness and do not conflict with the purposes of including land within the Green Belt.
10. Of particular relevance to this case is that there has been a relatively recent appeal decision for the same site.¹ It is common ground that the proposal would not conflict with the purposes of including land within the Green Belt and I agree with that analysis. My finding is consistent with the recent appeal decision.
11. In the previous appeal, the Inspector found that the evidence before them did not demonstrate that the facilities were in connection with an existing use of land or a

¹ APP/C1950/W/23/3328201

change of use of the land for outdoor sport or outdoor recreation. However, critically they found that irrespective of their findings on whether the facilities were in connection with an existing use of land or change of use for outdoor sport or outdoor recreation, the development in that case did not preserve the openness of the Green Belt and the Inspector found that it represented inappropriate development in the Green Belt.

12. I have no reason to doubt the Council's evidence that the livery building subject of this appeal is the same one that was subject of the previous appeal. Consistency in the planning system is important and like cases should be decided in a like manner. Here the previous appeal decision is an important material planning consideration as it is undoubtedly sufficiently closely related to the appeal before me.
13. I appreciate that the appellant has argued the case in a different way and highlights that the appellant is seeking to formalise equestrianism at Cromer Hyde Farm and the development would represent a small proportion of the overall farm area. However, I agree with the previous Inspector's analysis. I note that the appellant has referred to relevant case law and overall, I am satisfied that openness is an essential characteristic of the Green Belt and in accordance with the relevant case law has spatial as well as visual aspects.
14. Although the livery building and other facilities are already in situ, my assessment is based on the situation before they were, although I note that the appellant indicates that the area where the livery building is now sited was previously in use for overflow parking in connection with commercial storage.
15. Spatially, the development introduces a livery building with a large footprint which accommodates several separate horse stalls. This building increases floor space and volume. In spatial terms, the combination of the footprint, mass and bulk of the livery building together with the other facilities would harmfully reduce the openness of the site.
16. In terms of the previous use of the site, the Council highlight that there is no planning record to demonstrate that the overflow parking has been granted planning permission. However, even if I accept that this was the previous use it would not have the same scale or permanency as the development subject of this appeal and consequently the previous use would have less impact on openness.
17. The appellant has submitted a Landscape and Visual Appraisal. I agree that visually, public views of the proposal are possible but limited to a short length from the public right of way 150m to the north-west of the appeal site. I also agree that from the access road adjoining Green Lane some 800m to the east of the appeal site views of the development would be largely indiscernible among the cluster of other buildings. I therefore agree with the previous Inspector that due to the proximity of the development to nearby buildings the visual impact on openness is localised and limited. Nevertheless, again I agree that even this limited and localised impact cannot be said to preserve the openness of the Green Belt and this contributes to the overall harm to the Green Belt albeit to a limited extent.
18. Furthermore, the proposal would introduce some post and rail fences and gates to define the equestrian area. Although this would have very limited visual impact and would be expected within a rural location, the introduction of a physical means to separate the appeal site in order to define the equestrian area would further diminish openness, again to a limited degree.

19. The Council highlight that the proposal would encourage an unsustainable pattern of development within the Green Belt. However, notwithstanding my concerns about the impact on the Green Belt, the proposal would not be incompatible with this countryside location.
20. The proposal would generate some limited employment opportunities and would be linked closely to the existing farm enterprise. The Framework recognises that sites to meet local business needs in rural areas have to be found beyond existing settlements that are not well served by public transport where the opportunities to maximise sustainable transport solutions will vary in comparison to an urban area.
21. This is the case here and I do not consider that the development would be in such an unsustainable location as to weigh against the proposal. I also consider that the proposed access to the appeal site would be satisfactory and would not result in any highway safety concerns. It follows that I do not consider the proposal would be at odds with the relevant parts of Policies SP1, SADM2, SP3, and SP24 of the WHLP which promote sustainable development and seek to ensure there would be no negative impacts on highway safety. However, that does not alter my view on the impact that the proposal would have on the Green Belt.
22. I therefore conclude that the proposed development would represent inappropriate development within the Green Belt and would harmfully diminish the openness of the Green Belt. It would therefore conflict with Policy SADM34 of the WHLP and the associated policies of the Framework as set out above. Overall, the totality of harm the proposal would have on the Green Belt would be moderate to which I give substantial weight.
23. As outlined above, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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. I will now consider other issues and considerations before undertaking an overall balancing exercise.

Loss of agricultural land

24. The Framework seeks to ensure that decisions should contribute to and enhance the natural and local environment by among other things recognising the economic and other benefits of the best and most versatile agricultural land.
25. In their reasons for refusals the Council indicate that the development would result in the loss of a significant amount of the most versatile agricultural land which has the greatest potential for local food production. The Framework defines such land as falling within grades 1, 2 and 3a of the Agricultural Land Classification. The Council indicate that the Agricultural Land Classification map for the East Region classifies the land as Grade 2 agricultural land and I have no reason to disagree.
26. I note that the Council indicate that the planning history does not support that the appeal site is already used for the grazing of horses. However, I observed at the site visit that there were a number of horses in the livery building and I have no reason to doubt that they would be let out to graze on the adjacent land, which has the look of paddocks.

27. I also accept that the appellant and his family have an established link to horse-based pursuits and as a result it is reasonable to assume that even if there was no livery building on the appeal site it is more likely than not that the appeal site would continue to be used for the grazing of horses. Consequently, although the proposal would result in a more formal use of the land for equestrian related outdoor sport and recreation, even if the appeal is dismissed the land would likely continue to be used for grazing horses and consequently the proposal would not result in the unacceptable loss of food producing land.
28. I therefore conclude that the proposal would not result in the unacceptable loss of a significant amount of the best and most versatile agricultural land which has the greatest potential for local food production. Consequently, the proposal would not conflict with Policy SP11 of the WHLP which seeks to ensure that the best and most versatile agricultural land that has the greatest potential for local food security will be protected.

Flooding

29. The appeal site is located within Flood Zone 1 where there is a low probability of flooding. The appellant has submitted a detailed flood risk assessment (FRA) in support of the proposal that the Lead Local Flood Authority considered acceptable as it identified all sources of flooding. However, they expressed concern that a drainage strategy detailing how surface water would be managed had not been provided.
30. I note that the FRA concluded that there is largely a very low surface water flood risk across the site and although there are some small isolated areas across the site with a low to medium surface water flood risk they are limited to existing depressions, do not form part of a wider flow path and would remain as open areas. As a result, the FRA found that the risk of unacceptable surface water flood risk would be negligible and that safe access/egress would be available at all times. I agree with that analysis and consider that a suitably worded condition could be imposed to ensure that an acceptable sustainable drainage system would be implemented at the appeal if in all other respects the proposal had been acceptable.
31. I therefore conclude that adequate information has been provided to demonstrate that the proposed development would not be at an unacceptable risk of flooding. Consequently, the proposal would accord with Policy SADM14 which seeks to ensure that proposals manage surface water runoff and surface water flood risk via the use of a sustainable drainage system.

Other Considerations and Green Belt Balance

32. I fully appreciate the points made by the appellant about the fact that the development is an organic and natural part of the farm and the proposal would increase access to the Green Belt and would provide opportunities for outdoor sport and recreation. However, they recognise that given that it is not an agricultural development it is distinct in policy terms. That is the context in which I am required to determine this appeal. In addition, for the reasons set out above the previous appeal decision is an important material consideration which I have taken into account in the determination of the appeal and for the reasons set out above I agree with the previous Inspector that the proposal represents inappropriate development in the Green Belt.

33. I have also taken account of the fact that the proposal would be acceptable in terms of its impact on the character and appearance of the area, the living conditions of neighbours, access, car parking, highway safety, ecology, biodiversity, contamination and archaeology. Moreover, I acknowledge the contribution the appellant and his family have made to agriculture, livestock, equestrian and associated activities, including significant environmental and countryside stewardship in Hertfordshire for many generations and that the proposal would provide some employment opportunities. Further, as outlined above, in relation to the main issues many aspects of the proposal are acceptable and overall, I afford the totality of any benefits associated with the proposal modest weight.
34. However, I have found that the proposal would result in harm to the Green Belt by virtue of its inappropriateness and its impact on openness. As required by the Framework I have afforded these harms substantial weight.
35. I have found that the proposal is inappropriate development in the Green Belt, having undertaken a balanced judgement, the resulting harm would clearly not be outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

36. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²
37. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990