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## Appeal Decisions

Site visit made on 15 January 2026

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2026

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### **Appeal A Ref: APP/B1930/X/24/3352862**

#### **Lower Stud , Drop Lane, Bricket Wood, Hertfordshire AL2 3TX**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr N Chopping against the decision of St Albans City Council.
  - The application ref 5/23/1458, dated 6 July 2023, was refused by notice dated 2 July 2024.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
  - The use for which a certificate of lawful use or development is sought is described as “B8 storage no alterations to building required.”
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### **Appeal B Ref: APP/B1930/W/24/3352821**

#### **Lower Stud, Drop Lane, Bricket Wood, St. Albans, Herts AL2 3TX**

- 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 J Long against the decision of St Albans City Council.
  - The application Ref is 5/24/1045.
  - The development proposed is “Prior Approval - Erection of agricultural barn.”
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### **Appeal C Ref: APP/B1930/W/24/3352852**

#### **Hanstead Livery, Drop Lane, Bricket Wood, St. Albans, Herts AL2 3TX**

- 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 J Long against the decision of St Albans City Council.
  - The application Ref is 5/2024/1090.
  - The development proposed is “Prior Approval - Construction of access track for agricultural/forestry use.”
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### **Appeal A Decision**

1. The appeal is dismissed.

### **Appeal B Decision**

2. The appeal is dismissed.

### **Appeal C Decision**

3. The appeal is dismissed.

### **Preliminary Matters**

4. The name for the appellant in appeals B and C is the stated applicant on the forms submitted to the Council, which I realise is the agent for the appellant in Appeal A. I must use that name as they are the person who has the right of appeal. The site address is expressed differently on the forms for Appeal A but the appeals all relate to the same site.

## Appeal A

### *Main issue*

5. The main issue is whether the Council's decision to refuse the grant of an LDC was well founded.
6. As part of that, the proposal relies upon whether or not the land is used for agricultural purposes. In particular, the appellant is trying to demonstrate that the change of use would be permitted development under the terms of Article 3, Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). That allows for a change of use of an agricultural building and any land within its curtilage to a "flexible use" falling within a number of different uses defined in paragraphs R(a) and (b).

### *Appeal A Reasons*

7. The appeal site is located between the villages of Brickett Wood to the west and Colney Street to the east and includes around 12.54ha in total. The building proposed for the change of use is centrally located within the site and is a simple framed structure with external metal cladding as well as having a large concrete floor. It is similar to some other buildings evenly spread along an existing hard-surfaced track that leads from Drop Lane at the southern end of the site. At the time of my site visit, the building had some equipment stored in it.
8. The appellant's supporting information from Reading Agricultural Consultants (the RAC report) divides the site up into what are defined there as "agricultural land" and "equestrian land". For a while before the site visit, I waited at an entrance to the site which had the site name on a board and which is where the proposed track in appeal C would meet Drop Lane. However, there are 2 entrances to the site and the main one is further to the south where there is a well announced entrance with gates and brick-walls either side of the gates. This leads into an area with buildings where I could see stables and activity that appeared to relate to equestrian use, consistent with what has been described. The field to the north of the stables is also stated in the RAC report as in use for equestrian use.
9. The existing surfaced track leads through this yard and uphill towards the position of the appeal building. This can also be used to access fields on either side of it. Within fields indicated in the RAC report as being in agricultural use, there are some shipping containers but I am not told what they are used for or whether they were present when the application was submitted. Other than those items, the 4 fields highlighted in green on the RAC report as being in agricultural use appear to be laid to grass.
10. The "agricultural land" is described in the RAC report as being used for an annual crop of hay and haylage. That report says that a "small quantity" of the hay is used as supplementary food for the horses in the equestrian part of the business, the rest being stored and sold locally with invoices provided to support that assertion. These are imprecise terms and not clearly evidenced in terms of how these proportions may or may not have altered over time. In addition, the report states that a local farmer uses the grassland to graze sheep in late winter and early spring. It is stated that a formal agreement is being discussed, but there is no precise description or evidence about these arrangements.

11. A substantial amount of machinery is used on the site which the buildings are used to store, which is consistent with what I saw at my site visit. In common sense terms, I cannot be assured that these are used by one part of the business or shared amongst the agricultural and equestrian activities on the site.
12. The land holding is registered with the Rural Payments Agency and has a single business identifier number. The information in relation to this does not indicate any separation of the equestrian and other parts of the overall business. I am also told that the land is registered with DEFRA and has a County Parish Holding Number related to “land and buildings used to keep livestock.” These matters do not in themselves indicate that these parts of the site are in sole use for agricultural purposes and do not provide any controllable limitation on such use.
13. The whole site is in one occupation and ownership. Physically, apart from stock-proof fencing around fields, there is little separation of the site with the central hard-surfaced track linking all parts of it, both those fields described as being used for agricultural and those for equestrian activities. Furthermore, there is a close relationship between the use of products from the fields in terms of it being used by the equestrian business and there is no precise definition of the proportion of hay used by the equestrian part of the business.
14. Some land has been sold off since the appellant purchased the site. Reference is made to a planning proposal on some of that land. An inspector in an appeal considered that land as agricultural land. In the present case, I agree that some of the land in this appeal site appears to be used for at least primarily for agricultural purposes but critically, this is within what appears to be a functionally and physically inter-related with equestrian activities within the site overall.
15. By reason of section R.1. development is not permitted by Class R, amongst other things, if the building was not used “solely” for an agricultural use as part of an established agricultural unit: (i) on 3rd July 2012; (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins. There is no clear evidence to demonstrate in precise terms that the agricultural use of the building or the site more widely is used “solely” for agricultural use as required by Class R of the GPDO.

## **Appeal A Conclusion**

16. For the reasons given above I conclude that the Council’s refusal to grant a certificate of lawful use or development in respect of B8 storage no alterations to building required, was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act.

## **Appeal B**

### **Main issue**

17. The main issue is whether the development would be permitted development under the provisions of Schedule 2, Part 6, Class A of the GPDO. In order to assess this, it is necessary to determine whether the development would be carried out on land that comprises an agricultural unit.

### *Reasons*

18. In relation to Appeal A, I have determined that based upon the evidence submitted, the whole site appears to be in use for agricultural and equestrian use. Whilst there is some agricultural activity on some of the fields and the holding is more than 5 hectares in area, these permitted development rights apply only to agricultural land and where it is “reasonably necessary for the purposes of agriculture within that unit.”
19. The proposed position of the building is very close to the land that the appellant states is used for equestrian purposes. Whilst the plan appended to the RAC report shows land-use is based on an old Ordnance Survey base map, a comparison with the proposed site plan indicates that the proposed building is very closely related to that equestrian field. Whilst I can apply a degree of tolerance to these matters given the quality of the RAC base map and there not being a doorway proposed into that field, it adds to my concerns that, there is no clear separation between the different activities. The equestrian and agricultural use of the site are not completely severable from one another.

### **Appeal B Conclusion**

20. The development would not be permitted under the provisions of Article 3, Schedule 2, Part 6, Class A of the GPDO.

### **Appeal C**

#### Main issue

21. The main issue is also whether the development would be permitted development under the provisions of Schedule 2, Part 6, Class A of the GPDO. In order to assess this, again it is necessary to determine whether the development would be carried out on land that comprises an agricultural unit.

### *Reasons*

22. This field is further away from the centre of the equestrian activity. The proposed track would link a gated access to the appeal site from Drop Lane and the existing central track close to the building being considered in appeal A. This would enable more convenient access into that field. It would also enable additional circulation within the whole of the site.
23. The unit as a whole does not appear on the balance of probabilities to be used solely for agricultural purposes for reasons I have explained above. Even if the track is required for agricultural activities within that part of the site, this also questions whether it would be reasonably necessary only for agriculture rather than that broader composite use of the site overall.

### **Appeal C Conclusion**

24. The development would not be permitted under the provisions of Article 3, Schedule 2, Part 6, Class A of the GPDO.

*Andy Harwood*  
INSPECTOR