



Appeal Decision

Hearing held on 18 February 2026

Site visit made on 19 February 2026

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/L1765/W/23/3334198

Shedfield Equestrian Centre, The Gatehouse, Botley Road, Shedfield, Hampshire SO32 2HN

- 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 Russell Collins (Shedfield Equestrian Centre) against the decision of Winchester City Council.
 - The application Ref is 22/02916/FUL.
 - The development proposed is described as “the construction of an Equestrian Manager's Dwelling, to be tied to Shedfield Equestrian Centre.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted prior to the publication of the National Planning Policy Framework (the Framework) in December 2024. The parties were given the opportunity to provide comments on the revised Framework and to update their Statements of Case given the time which had elapsed between the appeal being submitted and the Hearing being held. I have had regard to the updated statements in my decision.
3. Prior to the Hearing the appellant submitted a signed ‘Solent Recreation Mitigation Strategy Form’ containing a planning obligation to pay a ‘Solent Recreation Mitigation Strategy contribution’ of £907 to mitigate the impact of the development on the nearby Solent Special Protection Areas. The Council confirmed that the payment had been received and as a consequence stated at the Hearing that its second reason for refusal had been withdrawn.
4. After the appeal was submitted the appellant provided a ‘Natural England Neutrality budget calculator for The Solent Marine Sites.’ The appellant also submitted a profit and loss account showing actual and projected income and costs for Shedfield Equestrian Ltd for the 4 years ending December 2026. The Council has made comments on the calculator and the financial accounts and I have taken them into account in my decision.

Main Issues

5. The main issues in this appeal are:

- whether there is an essential need for a dwelling to accommodate a rural worker;
- whether the enterprise is financially sound and if so will remain viable for the foreseeable future;
- the effect of the development on ancient woodland and protected trees; and
- the effect of the development on the character and appearance of the site and its surroundings.

Reasons

Need

6. The proposal relates to Shedfield Equestrian Ltd which, following a change in ownership, provides livery services for horses stabled at the site. The stables are situated in a yard adjacent to the site. There is also a substantial indoor riding arena and a car park for use in conjunction with equestrian events. The appeal site is currently occupied by an existing dwelling which is the subject of an Enforcement Notice.
7. There are 64 stables on the site which I was told at the Hearing house 52 livery horses owned by 36 clients. A number of different livery packages are offered to clients ranging from DIY to seven day full care. Equestrian Livery Agreements set out the terms of the livery packages provided. Three donkeys are also kept at the site. Riding lessons ceased to be provided by the enterprise in 2025.
8. The labour requirement for the enterprise is 7 full time workers based on an agreed methodology for calculating Standard Worker Days. Notwithstanding this, the yard is currently staffed by 5 full time staff and 6 part time staff with 3 further full time maintenance staff and an administrator. The staff work in shifts from 5:30am to 9:00pm. Since the retirement of the previous manager who occupied the unauthorised dwelling on the site, the current full-time equestrian manager lives off site. The manager attends emergency call outs at night.
9. Policy MTRA4 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 (LPP1) restricts development in the countryside to that falling within four types listed in the policy. These include development which has an operational need for a countryside location. More detailed criteria applying to housing for essential rural workers are set out in policy DM11 of the Winchester District Local Plan Part 2 Development Management and Site Allocations 2017 (LPP2). The approach in policies MTRA4 and DM11 are also reflected in policies SP3 and H11 of the Emerging Winchester District Local Plan 2020-2024.
10. Policy DM11 and the explanatory text to LPP2 policy DM12 regarding equestrian development make clear that the tests in policy DM11 apply to the accommodation needs for rural workers in equestrian enterprises. The first of the tests in DM11 is that proposals should demonstrate that there is a clearly established existing functional need.
11. Whilst brood mares need a worker to assist with covering, which I heard normally takes place during late summer, and the time of foaling is unpredictable, the details of the emergency call outs between February 2023 and November 2025 provided by the appellant indicate that only five related to the birth of foals. Three

of the births took place in June and two in February. No other births are recorded other than in June and February. Of the births recorded in June and February, the time at which the births took place is not provided. I therefore cannot be certain that they would have been assisted by a rural worker living on site overnight or that they require a year round on-site overnight presence.

12. Of the emergency call outs which the list shows did take place late at night or before 5:30am, five arose from horses being loose. Three further emergency call outs for loose horses and donkeys are listed although the times of those call outs are not provided. A further call out to attend to 11 loose horses took place at 7:30am on Christmas Day 2024 which is after the time when the staff shift would normally start. It was unclear from the evidence why horses and donkeys were able to get loose although I heard that it can be a result of stable doors not being properly secured.
13. I have had regard to the duty of care in the Animal Welfare Act 2006 and in the code of practice¹. Whilst unforeseen accidents can occur at any time, the list of emergency call outs includes only one instance of a late night call out to attend to a cast pony with colic. Since the list of emergency call outs was compiled, I was told that the equestrian manager and a vet were required to attend a further case of colic at night in January.
14. I heard that all of the existing stable staff live off site with the equestrian manager living 2 to 3 miles away. This is consistent with the expectation in LPP2 policy DM11 that the essential accommodation needs of equestrian enterprises should normally be met within the existing housing stock. Whilst the appellant's evidence lists existing dwellings around the equestrian centre, none are currently occupied by existing staff or are available to them.
15. Although I could not be told how the manager received notice of night time emergencies, I heard that it takes the manager around 15 to 20 minutes to get to the site. From the evidence before me this has been sufficient time to allow the manager to attend to the limited list of emergencies referred to above. It was not clear to me why this arrangement could not continue recognising that a significant proportion of the call outs related to loose animals, a problem which I heard could be addressed through improved equipment or training.
16. I have not been provided with any compelling evidence that the daily turnout and bringing in of the horses or the restraint of horses being attended to by a farrier cannot be managed during the shift pattern of existing staff. Whilst medication may need to be administered at different times, nor has it been demonstrated why this would require a worker to live at the stables. Although a worker living full time on the site, would be able to provide security no evidence has been provided of any security issues at the stables affecting the welfare of horses or donkeys kept at the stables.
17. For the reasons given, I am not convinced from the evidence before me that it has been demonstrated that there is an essential need for a dwelling to accommodate a rural worker on the site. The proposal therefore conflicts with LPP1 policy MTRA4 and LPP2 policies DM11 and DM12 in so far as they require new permanent dwellings in the countryside to have a clearly established functional need.

¹ 'Code of Practice for the welfare of horses, ponies, donkeys and their hybrids' DEFRA 2017

Financial soundness

18. The business model for Shedfield Equestrian Ltd changed in autumn 2025. The provision of riding lessons ceased with the business refocussing on solely providing livery packages. The profit and loss account for the four years ending December 2026 shows that the enterprise was operating at a loss from December 2023 to December 2025 due to the costs of operating the riding school. Whilst the cessation of the riding school means that the remaining livery business is projected to make a modest pre-tax profit for the year ending December 2026, it has not yet been demonstrated to have been profitable for a full year.
19. Moreover, the evidence does not demonstrate how the cost of building the proposed dwelling would be met if the appeal were allowed or how the proposed purchase of Nitrate Mitigation Credits in response to the third reason for refusal would be funded. Whilst I heard that there was a waiting list for the livery business, the evidence does not include a business plan or longer term financial forecast to demonstrate that the new enterprise would be financially sound for the foreseeable future. Even though a livery business has previously operated from the equestrian centre for some years, the business model has changed and in my planning judgement is tantamount to the launch of a new enterprise.
20. For the reasons given above, I conclude that it has not been demonstrated that the enterprise is financially sound and would be viable for the foreseeable future. The proposal therefore conflicts with LPP2 policy DM11 which requires that proposals for new housing for rural workers demonstrate the profitability and financial soundness of the enterprise.

Ancient woodland and protected trees

21. The boundary of the ancient woodland lies immediately to the north of the site and is separated from the site by an existing hard surfaced track. Whilst the proposed building would be within 15m of the woodland edge, the appellant's 'Arboricultural Implications Assessment and Method Statement' (AIA) identifies that only two of the trees bordering the woodland, a sycamore (identified in the AIA as T5) and a turkey oak (identified in the AIA as T6) would have activities within their root protection areas (RPAs) arising from the proposal.
22. A further mature oak tree (identified as T7 in the AIA) lies outside the main woodland on the southern side of the track and would also have construction activity within its RPA. Both T7 and the woodland are protected by a tree preservation order². They are clearly visible from the road and in my judgement are special for the positive contribution they make to the visual amenity of the equestrian centre and its surroundings.
23. The AIA indicates that any tree roots larger than 25mm can be essential to the tree's health and stability. I heard that if any roots of that size were encountered during the construction, they would need to be addressed in the detailed design of the foundations for the building. The evidence separately indicates that an additional concrete slab could be created over the existing base to support the building thereby obviating the need for groundworks which might harm tree roots. However, the details of the foundation design or any additional concrete slab are not before me. Even though it is intended to use existing services, including an

² TPO No 1569

existing septic tank, so that new trenches would not need to be dug to supply utility services to the building, the evidence does not demonstrate the location of those services or how they would be connected to the site.

24. Whilst details of foundation design and the connection to services could be secured by planning condition if the appeal is allowed, British Standard BS 5837:2012³ states that the default position for building structures in proximity to trees is that such structures should be located outside the RPA of trees to be retained. Although BS 5837:2012 recognises that technical solutions might be available where there is overriding justification for construction within a RPA, neither the existing buildings nor the track which already lie within the RPAs of trees T5, T6 and T7 provide overriding justification for further building within the RPAs. In view of my conclusions on the first main issue, nor am I satisfied that there is an overriding need for the dwelling to be constructed within the RPAs.
25. Even though the AIA includes a preliminary arboricultural method statement for managing the effect on the trees, I cannot conclude from the evidence before me that the cumulative effect of development within the RPAs would not result in the deterioration of protected trees including those forming part of the ancient woodland. The proposal therefore conflicts with LPP2 policy DM24 regarding the long term protection of special trees and ancient woodland.

Character and appearance

26. The site lies on the edge of a complex of stables and other buildings. A substantial solar farm lies to the west of the stable yard with planning permission for an extension which has yet to be constructed. Currently paddocks separate the stables from the solar farm and from Botley Road to the east. Other commercial activities and buildings are located beyond the indoor riding arena to the south of the site with woodland and open countryside to the north.
27. The proposed two storey dwelling would have a predominantly mono-pitch, zinc clad roof with timber cladding on its upper storey and brickwork on the ground floor. It has been designed and sited to integrate with the adjoining stables both in its position as part of a group of buildings and in its utilitarian design.
28. The building would be set back some distance from Botley Road and, whilst two storey, would be viewed in the context of the existing stable buildings and car park. The timber cladding would complement the adjacent woodland and enable the upper part of the building to blend with its wooded backdrop. Taken together, its distinctive design, and the proposed siting and materials would respond positively to its location adjacent to the existing utilitarian buildings in the equestrian complex. Its distance from Botley Road and its position adjacent to existing buildings and trees means it would not be prominent in the landscape.
29. For these reasons, the building would not have a harmful effect on the character and appearance of the site and its surroundings. It would therefore comply with LPP1 policy CP13 and LPP2 policy DM16 in terms of its design and effect on the local environment.

³ BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'

Other Matters

30. The site lies within the recreation impact zone of the Chichester and Langston Harbours Special Protection Area (SPA), the Portsmouth Harbour SPA and the Solent and Southampton Water SPA referred to collectively as the Solent SPAs. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first 3 main issues, it is not necessary for me to consider this matter in any further detail.
31. Whilst the dwelling would be sited adjacent to a car park to be used in conjunction with equestrian events, I heard that the occupier of the dwelling would be involved in managing those events which would be held only occasionally and take place during day time. No compelling evidence was provided to demonstrate that living conditions of future occupants of the dwelling would be harmed by noise arising from the use of the car park.
32. On 16 December 2025, the Government published a consultation on proposed reforms to the Framework. These proposals could be subject to further change and can only be given very limited weight at this stage. I have therefore had regard to the 2024 Framework in my decision.

Conclusion

33. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

R Kent

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

J Gardiner	Senior Planning Director, Pegasus Group
A Bloor	Associate, Reading Agricultural Consultants
B Draper	Director, Eco Urban
G Anderson	Senior Planner, Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

R Chapman	Principal Planning Officer
I Skinner	Skinner Holden

INTERESTED PARTIES:

D Ogden	Shedfield Parish Council
F Byrne	Shedfield Parish Council

DOCUMENTS SUBMITTED DURING HEARING

1. Draft Equestrian Livery Agreement
2. 'Code of Practice for the welfare of horses, ponies, donkeys and their hybrids' DEFRA 2017
3. Guidance 'Keeping horses commercially' DEFRA 2023
4. Copy of completed spreadsheets 'Natural England Neutrality budget calculator for The Solent Marine Sites.'