Planning Inspectorate

Appeal Decisions

Site visit made on 1 April 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal Refs: APP/Y9507/C/24/3350043 & APP/M1710/C/24/3350044
Land at Horse Chestnut Farm, The Causeway, Petersfield GU31 4LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeals are made by Mr Shane Walsh and Ms Tegan Sillett against an enforcement notice issued by South Downs National Park Authority.
- The enforcement notice was issued on 18 July 2024.
- The breach of planning control as alleged in the notice is within the last 10 years, the commercial use of the site in breach of condition 3 SDNP/15/03090/FUL and condition 2 of planning permission SDNP/16/05326/FUL:
  - SDNP/16/05326/FUL – condition 3 The development hereby permitted shall be used only for private, non commercial, stabling and equestrian use and shall at no time be used for any trade or business including livery stabling
  - Reason - To prevent the stables and land from being used for commercial purposes since the increased use of the premises and generation of additional traffic would be detrimental to the amenities of the area.
  - and
  - SDNP/16/05326/FUL – condition 2 The development hereby permitted shall be used only for private, non commercial, stabling and equestrian use and shall at no time be used for any trade or business including livery stabling.
  - Reason - To prevent the stables and land from being used for commercial purposes since the increased use of the premises and generation of additional traffic would be detrimental to the amenities of the area.
- The developments to which the permissions relate are respectively: “retrospective application for a change of use of land from agriculture to a mixed agriculture and equestrian use and retention of internal works to form loose boxes” and “all weather menage”.
- The requirement of the notice is to: (i) Cease the use of the Land for the commercial stabling and selling of horses
- The period for compliance with the requirement is: three months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are dismissed, and the enforcement notice is upheld.

Applications for costs

2. An application for costs has been made by Mr Shane Walsh against an interested party who made representations, Mr Arun Glendining. This is the subject of a separate decision.

Appeals on grounds (b) and (c)

3. To succeed on ground (b), it is incumbent on the appellants to demonstrate that the matters which are stated in the allegation have not occurred, as a matter of fact, with the burden being on the balance of probabilities. Even if the matters as

alleged had ceased by the time the notice was issued, an appeal on this ground would not succeed if those matters had previously occurred. That is because section 174(2)(b) of the Act is worded in the past tense.

4. Additionally, some of what the appellant states within the grounds of appeal relates to the person occupying the site. Planning permissions run with the land and even if the person currently occupying the site has not undertaken activities in breach of the conditions, that may not affect whether a breach of the enforced conditions may or may not have occurred prior to their occupation. Furthermore, it is not for me to consider the planning merits of the planning conditions in this appeal because ground (a) has not been pleaded.

5. The appeal against the notice on ground (c) is that what is alleged does not constitute a breach of planning control. In this case, the allegations relate to non-compliance with planning conditions. If what is alleged has occurred as a matter of fact in relation to ground (b), there will be a close connection with ground (c) regarding whether there has been a breach of planning control.

6. In the past, some email correspondence between one of the appellants and the Council has confirmed that horses were kept at the appeal site where they were said to be fed, ridden and then sent out to be sold “at different yards all over the Uk”. Whilst that email correspondence is not provided, it is not disputed by that appellant although they suggest that it is not relevant to the facts as at 18 July 2024 when the notice was issued. However, as I have set out above, the activities prior to the issuing of the notice can be taken into account even if they had ceased prior to the actual date if issue.

7. The Council has also provided some photographs showing that horses have been advertised for sale. The appellants do not dispute that those advertisements show the background of the buildings at the appeal site but state that this was for background scenery akin to advertising a car for sale with photographs taken with a background at the beach. Those activities are however commercial. Furthermore, the appellants also confirm that the adjoining site at Maple Drum Farm, which is now occupied by Mr Walsh one of the appellants who operates Hampshire Sports Horse Sales. It is not disputed that Maple Drum Farm is used commercially and that horses may be unloaded at the appeal site and walked through. The 2 sites are closely related. Whether or not those horses are sold from the appeal site or the adjoining site, this associated activity is commercial and in my view is not “private” equestrian use thereby breaching condition 3 of SDNP/15/03090/FUL.

8. I have little evidence about the nature of how the horses, which I am told are only grazed at the appeal site although kept at stables on the adjoining site, are cared for whilst on the appeal site. I do not know to what degree they may be trained, fed, exercised and such like whilst on the site covered by the applicable planning permission. In a case such as this where there is a close relationship between the adjoining sites and activities, these factors are critical in understanding whether the grazing of horses falls within the definition of “agriculture” in the Act at section 336 and whether it may be a commercial activity. Furthermore, the photographs posted by Mr Walsh and provided by the Council show horses that have been advertised, exercising within fields. The appellants have not disputed that these fields are at the appeal site. Those activities shown would not be agricultural within the statutory definition and are also related to commercial sales.

9. The allegation relates also to condition 2 of the planning permission for the menage (SDNP/16/05326/FUL). Given the interrelationship between the appeal site and the adjoining site used by Hampshire Sports Horses Sales, it seems probable that there is a degree of interrelationship between the adjoining activities which may lead to the use of other facilities within the appeal site where they are available. Also, the photographs attributed to Mr Walsh appear to show their horses being exercised within the menage as part of an advertisement aimed at selling them.

10. The onus of proof is upon the appellants to demonstrate their cases and neither have demonstrated that the horses advertised for sale and exercised at the appeal site are there only for private, non-commercial purposes. Given this and the above, it appears on the balance of probabilities that what is alleged on the notice has occurred and that this has involved non-compliance with the planning conditions. As such the appeals on ground (b) and ground (c) fail.

The Appeal on ground (g)

11. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The notice requires the cessation of commercial activities within 3 months.

12. It is argued that Ms Sillett's privately owned horses would be impossible to re-accommodate within 3 months. However, privately owned, non-commercial horses kept at the site would not involve a breach of the conditions. Nothing drawn to my attention would seem to cause an issue with complying with the notice within 3 months.

13. The appeal on ground (g) fails.

Conclusion

14. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Andy Harwood

INSPECTOR