



Appeal Decision

Hearing held on 19 May 2026

Site visit made on 19 May 2026

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal Ref: APP/J4423/C/26/3377264

Samehill Farm and land to East, Hagg Lane S10 5PX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Rachael Brownrigg of Medex Group Ltd against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 3 December 2025.
 - The breach of planning control as alleged in the notice is without planning permission unauthorised development at the Land comprising the following,
 - 3.1 The change of use of the Land to equestrian use and
 - 3.2 Operational development consisting of;
 - (i) importation of aggregates and the laying of aggregates on the Land,
 - (ii) the creation of hardstandings
 - (iii) the erection of buildings fences and gates.
 - The requirements of the notice are to:
 - i. Cease the use of the part of the Land shown in Appendix 1, for equestrian purposes
 - ii. Demolish and remove the 5 No. timber buildings from the Land as shown in Appendix 2
 - iii. Remove all hardstanding from the Land as shown in Appendix 3
 - iv. Remove all fencing and gates from the Land as shown in Appendix 3
 - v. Remove the imported aggregates from the Land and reinstate the original levels of the Land
 - vi. Return the part of the Land shown in Appendix 3 to its previous condition including re-seeding of the land as shown in Appendix 3, with a neutral grassland mix/specialist equine seed mix
 - vii. Remove from the Land any waste material arising from compliance with paragraphs i to vii inclusive of this paragraph.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - 1) The deletion of the allegation at paragraph 3.1 in section three of the Notice and its substitution with: "The material change of use of the Land to a mixed use for residential (a dwellinghouse) and equestrian use."
 - 2) The deletion of "fences and gates" from the allegation at 3.2(iii) in section three of the Notice and, the consequent deletion of requirement iv. from section five of the Notice.
2. Subject to the corrections and variation, the appeal is allowed insofar as it relates to the land outlined red on the plan where permission is granted for the material change of use of the Land to a mixed use for residential (a dwellinghouse) and equestrian use and the buildings identified as one and two on Appendix 2 and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the material change of use

of the Land to a mixed use for residential (a dwellinghouse) and equestrian use and the buildings identified as one and two on Appendix 2 to the Notice, at Samehill Farm and Land to East, Hagg Lane S10 5PX.

3. The appeal is dismissed and the enforcement notice is upheld as corrected and varied insofar as it relates to the land outlined red on the plan where permission is refused for the operational development comprising the importation of aggregates and the laying of aggregates on the land, the creation of hardstandings and the erection of the buildings identified as three, four and five on Appendix 2 at Samehill Farm and Land to East, Hagg Lane S10 5PX on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Application for costs

4. An application for costs was made by Ms Rachael Brownrigg of Medex Group Ltd against Sheffield City Council. This application is subject of a separate decision.

The Enforcement Notice

5. The appellant argued that the Notice is defective such that it is a nullity or at least invalid. This was on the basis that the breach is not described accurately, which I consider under ground (b). Matters relating to the requirements and reasons for issuing the Notice were also raised.
6. An enforcement notice should enable every person who receives a copy to know exactly what, in the Council's view, constitutes the breach of planning control; and what steps the local planning authority require to be taken, to remedy the breach. An enforcement notice is a nullity only if it is defective on its face, which means that it lacks some essential constituent or is incapable of being understood.
7. The appellant's argument in respect of the first requirement was that it is unclear which land it relates to, that the shaded area cuts across existing field boundaries and requires the cessation of the access to the site for equestrian purposes, which has a lawful equestrian use.
8. However, the appellant was evidently aware of the land the requirement relates to and was able to make a case on that basis. The requirement could in any case be varied to refer to the shaded area without injustice, if necessary. Whether any fields are severed, the inclusion of the access and the requirement to remove all fencing and gates are not unclear, nor is the requirement to reinstate original land levels that would evidently have been part of the operations alleged. Whether these are excessive is an argument pertinent to the appeal on ground (f).
9. The reasons for issuing the Notice also refer to the removal of walls and harm to a historic lane, which are impacts of the development that the appellant had the opportunity to address.
10. The appellant was evidently aware from the Notice, what the Council considers they have done wrong and what they must do to remedy it, and were able to make out a comprehensive case. The Notice is neither a nullity nor invalid.

Background

11. Several planning applications have been made for developments at Samehill Farm. These include applications for the erection of garages and stables/store, a three-

bay stable, a barn with five stable bays, a tack/animal feed store, a farrier and washdown area, and a rug store, as well as livestock pens, an all-weather exercise arena (17/02514/FUL) and a steel canopy over the arena.

12. It was stated in the design and access statement in respect of the 2017 permission that the facilities were for the personal use of the family, with the livestock/horse barn designed to house the family's five horses and three sheep (purchased) for delivery in August 2017. Reference was made to proposals to extend the small holding animals to include more sheep and goats when the building had been completed.

The appeal on ground (b)

13. An appeal on ground (b) is that the matters alleged have not occurred as a matter of fact.
14. The appellant did not argue that there is no equestrian use, but that the allegation does not describe all of the uses taking place on the land.
15. Whilst it is not essential for an enforcement notice to clearly set out what the planning unit is, where there is a dispute as to whether a material change of use has occurred, it is first necessary to ascertain the correct planning unit, and the present and previous primary (as opposed to incidental) uses of that unit.
16. It is an established principle that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key.
17. The land outlined in red on the plan attached to the Notice, includes the dwellinghouse, associated buildings, including the stables and arena, and surrounding fields which are in use for equestrian purposes.
18. The site area is around 5.3 hectares with around six acres of grazing land. The driveway leading to the property passes between fields in the appellant's ownership before opening out into a yard and parking/turning circle, next to the dwellinghouse. I saw that the yard accommodates a number of outbuildings and adjacent to the parking/turning circle is a relatively large stable building, behind which is the arena.
19. The equestrian infrastructure, namely the stables and arena are located in close proximity to the dwellinghouse, such that the built development appears as a cluster, with the fields being located in proximity to and surrounding the dwellinghouse and cluster of buildings.
20. The equestrian use is carried on by the appellant and their family who reside in the dwellinghouse. Viewed as a whole, and as a matter of fact and degree, it appears to me that the whole site is a single unit of occupation (the planning unit). It is not possible to say that physically separate areas of the land are occupied for different and unrelated purposes.
21. The previous owners, and the appellant, keep their own horses in the stables and on the land with the arena used for exercising and training the horses. The keeping of horses on this scale and nature could not be said to be a use which is normally related to a residential use, it clearly is a use based on the personal choice of the user. It is not a residentially incidental or agricultural activity and is therefore an

additional primary use taking place within the unit of occupation as I have identified it.

22. Accordingly, for the reasons given and as a matter of fact and degree, I find that the land and buildings forming Samehill Farm represent a single planning unit, which is being used for residential (a dwellinghouse) and equestrian purposes. These uses are not functionally or physically separate from one another and combine to form a mixed use of the planning unit.
23. Where an enforcement notice does not describe all the component parts of a mixed use, and the additional component parts are lawful, as is the case here, the notice should be corrected, if possible, provided it would not cause injustice to either the appellant or Council.
24. There is no dispute that the dwellinghouse is lawful and horses are kept for equestrian use on part of the site – planning permission having been granted for the stable building and arena. As the dwellinghouse is lawful, its inclusion as a component of the alleged mixed use would not require the steps set out in section five of the Notice to be varied. Furthermore, the prospect of planning permission being granted by virtue of section 173(11) of the Act would be of no concern.
25. While the appellant suggested that corrections to the allegation would have affected their appeals under grounds (a) and (c), they did not explain how this would have altered their arguments. In any event, I can identify no obvious differing approach.
26. For the reasons set out, correcting the allegation to include the residential use (dwellinghouse) would not change the substance of the allegation or Notice, nor would it cause injustice to the appellant or Council. I shall correct the Notice so that it includes all the component parts of the mixed use. The corrected allegation shall read, “The material change of use of the Land to a mixed use for residential (a dwellinghouse) and equestrian use.”
27. The appellant also disputed that hardstandings were created, however little explanation was offered. It seems to me that the compacted aggregate used to create the limestone tracks constitute the creation of hardstandings. The appeal on ground (b) fails in this respect.

The appeal on ground (c)

28. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control.
29. As previously identified, in determining whether a material change of use of land has occurred it is necessary to identify the former lawful use of the planning unit.
30. The Council considers that if the land is in a mixed use, the last lawful use was as a mixed use for residential and agricultural purposes. However, based on my findings on ground (b) I consider that, on the balance of probabilities, the lawful use of the land was as a mixed use for residential (a dwellinghouse), agricultural and equestrian purposes.
31. It seems more likely than not that the previous owners would have used the fields for grazing horses, along with their sheep, and the 2018 aerial image appears to

show the land well grazed, more than would be expected from a small number of sheep.

32. The absence of an agricultural use is not material, given its likely small scale, and there are no off-site impacts, nor material increase in the number of horses. However, the current use has involved the installation of a fairly extensive network of sand and limestone tracks specifically designed for equine use, to facilitate horse exercise and movement, which is markedly different in character to the free grazing of sheep and horses.
33. In addition, five buildings have been constructed and distributed across the site, which are additional to the existing equestrian infrastructure. The presence of multiple buildings spread throughout the site suggests an organised, purpose-built environment tailored to the care and management of horses, rather than a layout compatible with a mixed use for residential, agricultural, and equestrian purposes.
34. Taken together, these factors—namely the construction of equine-specific infrastructure, demonstrate a significant and material change in the use and character of the land. The appellant has failed to demonstrate that the alleged use, as corrected, does not constitute a breach of planning control. On the balance of probabilities, planning permission is required but not granted for the alleged material change of use.
35. Where a notice is concerned with a material change of use, any facilitating works (subject to the requirements) do not strictly need to be mentioned in the allegation. If they are, the allegation should be clear that the works are ancillary to the material change of use and not in breach themselves.
36. Although in submissions and at the Hearing the Council referred to and maintained the fences and gates facilitate the use, that is not what the Notice states. It clearly sets out the two types of development separately. The appellant's case in respect of the operational development was that the fences and gates constitute permitted development by virtue of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
37. As established by the Courts Article 3(5)¹ does not apply in such a case, and as there is no dispute that the fences and gates comply with the limitations and conditions of Part 2 Class A of the GPDO, they constitute permitted development. The ground (c) appeal succeeds to this extent.

The appeal on ground (a) the deemed planning application

Background

38. The terms of the appeal on ground (a) derive directly from the alleged breach of planning control set out in the Notice and as built. Nevertheless, I do have the power under s177(1)(a) of the Act to grant planning permission for any part of the matters stated in the Notice. There is an appeal on ground (f) and I am also required to consider whether there is an obvious alternative which could overcome the planning difficulties, at less cost and disruption than total removal as currently required by the Notice.

¹ South Darenth Farms and Cold Store Company Ltd v SSHCLG [2025] EWHC 2646 (Admin)

39. The appellant suggested three alternatives, the first detailed on a plan, involving the relocation of building five; the removal of areas of crushed limestone; restoration of the stone wall; additional drainage features; and landscaping and biodiversity mitigation and enhancements. The second proposed the removal of some (or all) of the buildings, specifically three four and five. Finally, a proposal involving the removal of the limestone track, retaining the sand track.

Main Issues

40. The main issues are:

- Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.
- The effect of the development on the character and appearance of the area.
- The effect of the development on the Millstone Edge Rough and Fields Local Wildlife Site and ancient woodland.
- The effect of the development on a historic lane – a non-designated heritage asset.
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

41. Policies GE1 and GE3 of the Sheffield Unitary Development Plan (1998) (UDP) set out the circumstances in which new development and buildings will be permitted in the Green Belt. However, these are more restrictive and not consistent with the Framework and are therefore of limited weight in decision making terms.
42. Policy CS71 of the Core Strategy is a strategic policy which sets out that the countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. It is not directly relevant to the detailed considerations in this case.
43. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
44. Paragraph 154 of the Framework establishes that development within the Green Belt is 'inappropriate' unless certain exceptions apply. Such exceptions include the provision of appropriate facilities (in connection with the existing use of land or a change of use) and material changes in the use of land (such as changes of use for outdoor sport or recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it).

Openness

45. Openness in terms of the Green Belt is the absence of development and has been found by the courts to have a spatial as well as a visual aspect. This assessment is not about the quality of the development, in itself, or its effect on the character and appearance of the area.
46. The appellant's Green Belt Report concluded that the development results in negligible to minor adverse effects on both spatial and visual openness, but the harm to openness is limited and clearly outweighed by the rural, low-intensity land use and the proposed landscape and environmental enhancements. It was also acknowledged that there is minor encroachment due to the tracks and structures.
47. The Council stated that the footprint of the buildings is around 140 square metres, with a volume of around 420 cubic metres, and the area of land covered by the limestone and sand tracks is around 2540 and 1910 square metres, respectively. Consequently, and notwithstanding the tracks have little above ground height, by all metrics, in spatial terms the operational development has reduced openness.
48. Views of the site are achieved in close range from Hagg Lane and more distant views from the opposite side of the valley, will be achievable, albeit limited by established vegetation for some of the year. Given the vegetation which acts as a visual buffer, in visual terms, the effect on openness is limited.
49. Whilst overall the harm to openness is limited, any harmful effect of development on the openness of the Green Belt, however slight, would not preserve the openness of the Green Belt. It follows that the operational development associated with the material change in the use of land alleged in the Notice does not preserve the openness of the Green Belt.
50. It follows that the countryside has not been safeguarded from encroachment, and thus there is conflict with one of the purposes of including land within it. I conclude the development amounts to inappropriate development in the Green Belt.
51. The appellant's first and preferred alternative would include a modest reduction in the limestone surfacing however, this would not be sufficient to overcome the identified harm to openness, nor would removing the limestone track alone.
52. However, the buildings identified as one and two on Appendix two attached to the Notice are positioned close to the arena, on land which, part of, previously included some form of round pen.
53. Given their relatively modest size and siting on land which was, in part, previously developed, there is a very limited spatial reduction in openness. However, their presence does not increase the overall spread of development, notably they are orientated to face the arena and buildings, reinforcing their relationship with the established cluster of built form. They are therefore perceived against a baseline of existing development and activity on the site. In this context, the additional buildings do not result in a material increase in the perceived level of built development, and there is no adverse effect on openness in visual terms.
54. In respect of the use, the dwellinghouse, as a lawful residential use, forms an established component of the site's mixed-use character and does not result in any harm to the openness of the Green Belt.
55. I have already found that the equestrian use formed part of the sites previous lawful use. Moreover, equestrian uses are a generally accepted feature of the rural

landscape. Without the tracks and all of the buildings, given the site's topography and relatively limited size, the equestrian use is likely to be modest in intensity and, aside from the stabling and arena, predominantly comprise the grazing of horses. The number of horses that could be accommodated would be naturally constrained by the available grazing, ground conditions, and seasonal weather variations, limiting the overall scale of the activity.

56. Accordingly, in both spatial and visual terms, the lawful residential and the limited equestrian use of the land, would have no effect on, and together with the two buildings openness would be preserved. It follows that these developments would not be inappropriate development.

Character and appearance

57. It is set out in the appellant's Landscape and Visual Impact Assessment (LVIA) that the Local Landscape Character Area (LLCA) is a high quality, rural landscape with steep wooded slopes that drop down to the River Rivelin. The Rivelin slopes also include wooded areas and an historic field pattern defined by dry stone walls, trees, hedges, and scrub.
58. The site currently falls within an Area of High Landscape Value (AHLV), a designation which is no longer being progressed within the Council's emerging development plan. However, the Council explained that this is not due to any change in the area's value, which will continue to be recognised through a different policy approach. It was evident from my visit that the area is clearly valued for its landscape, ecological and historic features, with the Rivelin Valley nature and industrial heritage trail running through the valley, close to the site.
59. It is recognised in the LVIA that settlement in the Rivelin Valley, beyond Sheffield's more built-up edge, is less dominating of the landscape, it is low density, built of local stone and blends into the landscape, with a more historic character. Further, that within the Rivelin Valley there are many farms with modern, large-scale agricultural utilitarian buildings, and covered and uncovered sand schools and equestrian barns, many of which were permitted by the Council.
60. At my visit I observed a number of such developments in the vicinity of the site. However, those were largely individual buildings or small clusters of development, and I did not observe any comparable track systems.
61. The LVIA does not seek to demonstrate that the site is invisible, nor that there is no landscape harm. In broad terms the LVIA seeks to demonstrate that the landscape can accommodate the development, with mitigation in the form of landscaping, on the basis that it is a type of development which is not uncommon in the local landscape setting.
62. I viewed the site from various viewpoints used within the LVIA. I acknowledge that views of the site are limited in some locations due to the surrounding steep valley landform and groups of trees and woodland providing screening. However, and whilst visibility is limited from the southern valley slope, the site is clearly visible from viewpoints on Hagg Lane.
63. Moreover, it is evident from third party images, and as stated by the Council, that the site is visible from the north side of the valley, particularly when looking back

across the valley from Tofts Lane, where the development is experienced within the context of the wider landscape character area.

64. During the spring and summer months, mature deciduous trees provide substantial natural screening, as I observed, reducing views of the development. This established vegetation acts as an effective visual buffer. However, whilst the seasonal mitigation limits visual effects for much of the year, in views from the north and Hagg Lane, particularly during the winter months, large parts of the development will be visible.
65. The buildings have a fairly simple form and are recognisably equestrian in nature. However, the replacement of open fields and the historic stone enclosure pattern with fairly extensive areas of engineered surfacing and buildings has unacceptably affected the contribution that the site makes to the character and appearance of this part of the countryside, by eroding landscape features that are characteristic of the area, including the field pattern and open rural setting.
66. The analysis so far has not considered the proposed landscaping. Clearly this would take some time to come to maturity and to achieve the result anticipated by the appellant. Moreover, whilst the exact nature of any planting could be secured by condition and in the longer term may soften and screen the development, such landscaping measures would take a considerable period to become fully established and harm to the character and appearance of the area would result in the meantime. I am not satisfied that landscaping would satisfactorily mitigate these effects.
67. Consequently, the development has caused material harm to the character and appearance of the area contrary to policies GE2, GE4, GE8 and BE6 of the UDP which together require development in AHLV or the Green Belt to maintain and enhance those areas and wherever possible, conserve and enhance the landscape and natural environment.
68. As already stated, the appellant's first and preferred alternative would include a modest reduction in the limestone surfacing however, neither this proposal nor the removal of the limestone track would overcome this harm.
69. However, buildings one and two are well related to existing built development and do not appear isolated or intrusive. Their orientation towards the arena and surrounding buildings reinforces their connection to the established building cluster. Viewed in this context and given their simple form, they together with the equestrian use, which is a generally accepted rural land use, cause no material harm to the character and appearance of the area. There would therefore be no conflict with policies GE2, GE4, GE8 and BE6 of the UDP.

Non-designated Heritage Asset (NDHA)

70. Planning Practice Guidance (PPG) states that it is important that all non-designated heritage assets are clearly identified as such and, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies.
71. Although, the lane is not identified on a local list, PPG also acknowledges that, in some cases, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications, for example,

following archaeological investigations. It seems the status and significance of the lane was identified as a result of the Council's investigation in this case.

72. The Council stated that the road to Wheels is a rare surviving example of a historic lane that retains much of its late 18th-century character. Further, that its alignment predates the surrounding field system and road network, making it of historic and archaeological interest. It preserves a tangible link to earlier patterns of movement through the landscape, contributing positively to the area's character and distinctiveness.
73. In the absence of substantive contrary evidence, the unauthorised works have caused harm to the historic lane by removing sections of boundary wall, altering ground levels and by obscuring the lane's legibility as a historic route. These changes have reduced the lane's historic character, landscape contribution, and heritage significance.
74. The development is therefore contrary to the heritage protection aims of the Framework.
75. The appellant's preferred alternative would include a modest reduction in the limestone surfacing and the relocation of building five however, neither this nor the removal of the limestone track would overcome the harm entirely. However, the retention of buildings one and two, and the use, would, since all operational development on the historic lane would be removed.

Local Wildlife Site (LWS) and Ancient Woodland

76. The appellant's submitted Preliminary Ecological Appraisal (PEA) stated that the works have directly impacted the Millstone Edge Rough & Fields LWS, and no preventative or mitigation measures are known to have been implemented to reduce direct impacts on the LWS. These potential impacts include habitat loss, increased dust levels, vibration, and noise disturbance.
77. It was also stated that, in addition, surface water runoff was observed on the newly constructed equestrian tracks, resulting in erosion of the limestone material and runoff down the valley, which is assumed to connect to local watercourses. Further, that this erosion has the potential to alter aquatic ecosystems by increasing alkalinity (pH) and turbidity in the receiving waters.
78. The PEA was carried out in January which it seems is not an optimal time of year. Whilst it is stated that the appraisal provides baseline ecological data at the time of survey only and does not include flora or fauna which may be present at various times of the year, the resulting limitations, if any, have not been clearly explained in terms of their effect on the assessment and its reliability. Moreover, whilst I acknowledge the recommended mitigation, the PEA does not clearly explain whether such measures would sufficiently mitigate the identified impacts.
79. Accordingly, the development is contrary to policies GE11 and GE13 of the UDP which require the design, siting, and landscaping of development to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value. It also conflicts with the aims of the Framework to conserve and enhance the natural environment.
80. In respect of the Ancient Woodland, it is stated that site works have not directly impacted the woodlands; however, indirect impacts may have occurred. No buffer

zones or root protection areas were established during on-site works to protect these habitats, and construction activities took place immediately adjacent to the priority habitats. As a result, it is likely that indirect impacts have occurred, including increased noise and vibration, dust deposition, altered surface water runoff, and compaction of tree root systems associated with the newly laid equestrian tracks.

81. However, the woodland is slightly elevated above the operational development, on the broadly southern slope of the site. Based on the appellant's submissions and my observations, it seems that no works were undertaken within 15m of the Ancient Woodland. In the absence of evidence of loss or deterioration of irreplaceable habitats, I find no harm in this respect, and this would not have been reason alone to dismiss the appeal. There is therefore no conflict with the aims of Policy GE15 of the UDP to protect mature and ancient woodlands or the Framework.
82. For the reasons given, neither the appellant's preferred alternative nor the removal of the limestone track would overcome the harm to the LWS. However, given that buildings one and two are located, in part on previously development land, close to the arena, and in the absence of substantive evidence, that the use alone would be harmful, I find there would be no harm to the LWS and no conflict with policies GE11 and GE13 of the UDP or the Framework.

Other Considerations

83. The appellant submitted representations of support from a vet and equine podiatrist who explained that several of the appellant's horses have been treated for various conditions including laminitis, which is a disease of the feet which can be triggered by sugars in grass and can be life threatening. The vet stated that controlling grazing is key to managing this and recommended that this is done by creating a track system.
84. The podiatrist explained that the system enables horses to live outdoors year-round, with access to shelter, so that they may move freely throughout the day, whilst socialising in a herd environment on appropriate surfaces.
85. Evidently the development has significant benefits to the health and welfare of the horses which is an important consideration, and I acknowledge the likely limitations associated with the topography of the land. However, in the absence of substantive evidence that the appeal development is the only way the horses needs could be met and such benefits achieved, this is a matter of moderate weight.
86. There is no substantive evidence that the grazing of the land caused more harm to the LWS, and any landscape and ecological benefits would only be achieved as a result of the measures which would be required to mitigate the impacts of the development already carried out. Overall, therefore, these matters are of limited weight.
87. There is little evidence that a more intensive use of the central part of the site would be more harmful, and as a fallback this is a matter of little weight.

Green Belt Balance

88. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to require that substantial weight should be given to any harm to the Green Belt and 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.

89. I have found harm to the Green Belt by way of inappropriateness and to its openness and one of its purposes, as well as harm to the character and appearance of the area, a NDHA and LWS. While I am sympathetic to the appellant's arguments regarding the welfare of her horses, the other considerations raised in support of the development do not individually or collectively clearly outweigh the harm that I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development conflicts with the Green Belt protection aims of the Framework and policies GE1 and GE3 of the UDP, so far as they are consistent with the Framework.
90. However, I conclude that planning permission ought to be granted for the use and two of the buildings. The appeal on ground (a) will be allowed in relation to those matters only. In all other respects, I conclude that planning permission ought not to be granted for matters stated in the notice. The appeal on ground (a) will be dismissed in those respects.
91. Conditions in respect of lighting in the buildings are not reasonable or necessary since the buildings are orientated into the site, towards existing buildings.

The appeal on ground (f)

92. The appeal on ground (f) is that the requirements of the Notice exceed what is necessary. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a) or to remedy injury to amenity (s173(4)(b)).
93. As varied, the Notice requires the buildings, hardstandings and imported aggregates are removed, as well as the reinstatement of original levels, the re-seeding of the land and the removal of any arising waste - in broad terms to restore the land to its previous condition. Its purpose is therefore to remedy the breach of planning control.
94. Since the requirements would do no more than is necessary to achieve that purpose, they are not excessive.
95. However, by virtue of section 180(1) of the Act as amended, the requirements of the Notice will cease to have effect so far as they are inconsistent with the planning permission hereby granted.
96. The appeal on ground (f) fails.

The appeal on ground (g)

97. The ground (g) appeal is that the compliance period falls short of what should reasonably be allowed. The appellant requested a one-year period to complete the works, citing possible weather delays, the need to hire a contractor, and to find alternative accommodation for the horses during the works.
98. The purpose of the time period within an enforcement notice is to allow for the physical works associated with the Notice to be removed. Whilst understandable,

the appellant's submission largely relates to the time before the works can commence.

99. Given the timing of this decision and in the absence of substantive evidence regarding the availability of contractors, or explanation why the horses would have to be relocated, I consider the period of six months reasonable. The appeal on ground (g) fails.

Conclusion

100. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for the material change of use of the Land to a mixed use for residential (a dwellinghouse) and equestrian use and the buildings identified as one and two on Appendix 2 at Samehill Farm and Land to East, Hagg Lane S10 5PX, but otherwise I will uphold the Notice with corrections and a variation and refuse to grant planning permission in respect of the operational development comprising the importation of aggregates and the laying of aggregates on the Land, the creation of hardstandings and the erection of the buildings identified as three, four and five on Appendix 2. The requirements of the Notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

Felicity Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alexander Greaves	Barrister
Judith Norris	The Rural Planning Practice
Nick Harper	Harper Landscape Architecture LLP
Ms Rachael Brownrigg	

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Henderson	Barrister
Micheal Eaglestone	Principal Planning Officer
Polly Johnson-Carton	Planning Enforcement Officer
Nicky Rivers	Ecology Manager
Jack Foxhall	Planning Officer - Landscape