
Appeal Decision

Site visit made on 26 November 2013

by **JP Roberts** BSc(Hons), LLB(Hons), MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2014

Appeal Ref: APP/J1915/A/13/2201561

Land south of West End Road, Wormley West End, Broxbourne

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M O'Connor against the decision of East Hertfordshire District Council.
 - The application Ref 3/13/0717/FP, dated 20 April 2013, was refused by notice dated 26 June 2013.
 - The development proposed is the change of use of a former cattle corral to equestrian use and siting of six stables and feed and bedding store.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M O'Connor against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matter

3. The appellant has submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990, which deals with land management. I shall refer to this further below.

Main Issues

4. The main issues are:
 - i) whether the proposal amounts to inappropriate development in the Green Belt, and
 - ii) the effect of the proposal on the nature conservation.

Reasons

5. The proposal is for a 6 bay stable and associated accommodation, arranged in a U-shape, to be located not far from the adjacent road, mostly in the position of an existing metal-fenced corral. The National Planning Policy Framework (the Framework) provides that new building in the Green Belt is inappropriate development unless it falls within one of a number of limited exceptions. One of these is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Saved Policy GBC1 of the East Herts Local Plan Second Review 2007 (LP) provides that essential small scale facilities for outdoor recreation would not be regarded as inappropriate development. As the Framework provides the most up to date guidance, I afford it the greater weight.

6. The proposal comprises a facility for outdoor recreation; the key issue relates to its size. I consider that the use of keeping horses for recreational purposes would amount to outdoor recreation, and that stables and ancillary accommodation would comprise a facility for outdoor recreation.
7. Of relevance is an appeal decision¹ dated 29 November 2012 for a similar but larger stables development. In that case the Inspector took the view that insufficient justification had been made out for the size of the stables proposed and that were too large. He thus decided that they were not an "appropriate facility" for outdoor recreation and constituted inappropriate development. He also commented that "a more appropriately sized building would have less effect on openness and would be more consistent with the thrust of local and national policy".
8. This proposal involves a much smaller floorspace, almost half of that previously proposed, and with a lower ridge height, at 2.79m as opposed to just over 6m. It lacks the mezzanine floor of the previous scheme, and in my view the relationship between the 6 stables and the ancillary accommodation is more proportionate than in the previous proposal.
9. The Council argues that it is excessive in size in relation to the size of the application site. However, it is clear that the horses to be kept at the stables would be grazed on adjoining land in the appellant's ownership, and thus the size of the application is not wholly relevant in assessing the appropriateness of the facilities proposed. In my view, the size of the stables would relate satisfactorily to the overall area of land on which the horses would be kept and grazed. Accordingly, I am satisfied that it forms an appropriate facility for outdoor recreation and does not constitute inappropriate development in the Green Belt.

Nature conservation

10. It is intended that the horses kept at the stables be grazed on the adjacent land in the appellant's ownership. Although not part of the application site, it is nevertheless appropriate that I look at the effect of such grazing on the nature conservation interests relating to that land, as it is clear that the horses kept on the site will be grazed on, and be dependent on, the grass on that field. The field is part of an area designated as a Local Wildlife Site in recognition of the diversity of grassland species present.
11. In the previous appeal, the Inspector took the view that in the absence of a firm management regime in respect of the grazing of the site, planning permission should not be granted. He concluded that it would not be appropriate to impose a condition, as a properly formulated regime might preclude the grazing of as many as 6 horses, and thereby possibly affect the amount of stabling needed.
12. In this case I have been provided with a legal obligation which requires the submission of a management scheme and its approval by the local planning

¹ Ref: APP/J1915/A/12/2178822

authority. The obligation goes somewhat further by stipulating 5 matters which should be included within the scheme. However, in my view, the obligation does no more than could have been achieved by the imposition of a condition when the Inspector considered the previous appeal. No further detail has been provided to show how a management regime would ensure the appropriate protection of the wildlife site.

13. Whilst the National Vegetation Classification Survey submitted with the previous appeal indicates that a satisfactory grazing regime can be achieved through management measures, there is no further evidence which unequivocally shows how the field can be managed to ensure that it can be grazed by 6 horses throughout the year without detriment to the grassland.
14. The need for a properly considered management regime, which specifically takes into account the number of horses to be grazed, is even more important than it was when the previous appeal was determined, as it is now proposed that there be greater reliance on grazing because the stable accommodation would include less fodder storage.
15. I have had regard to the views of Hertfordshire Biological Records Centre, the Council's consultee on ecological matters, which was supportive of the imposition of a condition, but this does not alter my view.
16. Accordingly, I find that the proposal fails to overcome the previous Inspector's concerns, and because of the significant weight I attach to the importance of the designated wildlife site, I consider that the failure to demonstrate adequately that its biodiversity value would be conserved is a compelling reason to dismiss the appeal. I therefore conclude that the proposal would not protect the nature conservation interest of the site and would conflict with LP Policies ENV1 and ENV17, which respectively deal with design and environmental quality and wildlife habitats.

Other matters

17. I have had regard to local concerns about the effect of the development on highway safety. Whilst the stables use would add to the traffic using the quiet and narrow lane which provides access to the site, I consider that it would not result in such an increase in movements as to materially affect highway safety.

Conclusion

18. Although I have found that the proposal does not amount to inappropriate development in the Green Belt, the harm that would be caused to nature conservation interests is significant and an overriding reason to dismiss the appeal. For the reasons given above, I conclude that the appeal is dismissed.

JP Roberts

INSPECTOR