

# **Planning Statement**

**Retrospective planning application for the change of use of land for  
the siting of mobile stabling and horsewalker for private equestrian  
use at the site known as**

**Land rear of 38 Brickendon Lane, Brickendon,  
Hertford SG13 8NU**

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## **1.0 Introduction**

- 1.1 A retrospective planning application is being submitted for the change of use of land for the siting of additional mobile stabling and a horsewalker, for private equestrian use, at the site known as 'Land rear of 38 Brickendon Lane, Brickendon, Hertford SG13 8NU, by Rachel Smith.
- 1.2 I am a rural planning consultant specialising in equestrian development. I hold BSc Equine Welfare with Business Management, LLDip Law degree and PgC Agricultural Law. I advise the public and private sector throughout the UK, preparing independent appraisals and attending appeal hearings and public inquiries. I have an in-depth knowledge of the equine industry and equine welfare.
- 1.3 With formal academic qualifications in law, business management, equine science and behaviour, I act as an expert witness and prepare expert reports for solicitors in relation to personal injury cases, disputes and veterinary negligence.

## **2.0 Background**

- 2.1 The applicant purchased the site approximately 12 years ago, having rented from the previous owners for 12 years. It is understood that the site has been in equestrian use for approximately 50 years, with 3 stables on site. A further block of 2 stables was subsequently added.
- 2.2 In June 2018, the applicant submitted an application for a riding arena, 3/18/1330/FUL, which was approved with conditions on the 11<sup>th</sup> September 2018.
- 2.3 In March 2020, during the Covid19 lockdown, the applicant sited 3 mobile stable units, and subsequently a further 2 mobile stable units, a total of 5 double mobile stable units, on the land. This was to enable the applicant to effectively

manage the care of the horses during the restrictions of lockdown, by having the horses and ponies of family members and friends to share the facilities.

- 2.4 In particular, because the applicant does not live at the site, the restrictions on movements had the potential to impact on the welfare of the horses and ponies due to reduced visits during the day. By sharing with family members and friends, the horses could be checked more often throughout the day, whilst complying with restrictions.
- 2.5 The applicant believed that the siting of the mobile stabling was permitted, because it was not constructed in the way of permanent stabling and was capable of being moved. In particular, the applicant spoke to the duty planning officer and was provided with advice and guidance.
- 2.6 More recently, the applicant has sited a horsewalker between the stables and arena.
- 2.7 This was reported to the enforcement department. The enforcement officer subsequently visited the site and requested that the stabling and horsewalker be regularised.

### **3.0 Planning History**

- 3.1 The following planning applications are relevant to the site:

**3/18/1330/FUL** Creation of Manege Approved 11<sup>th</sup> September 2018

- 3.2 The much older blocks of stabling, whilst not benefiting from express planning permission, are considered to be lawful, as is the equestrian use of the land. These were acknowledged in the Officer's Report to the above planning application:

*'The paddocks and the use of the site for equestrian purposes has existed for approximately 20 years, rented and then more recently owned by the applicant using surrounding land for hacking, and practice dressage and show jumping.'*

#### **4.0 The Site**

4.1 The Officer's Report to the previous application describes the site as comprising:

*'A large parcel of land to the east of Brickendon Lane, which is sited outside of the Brickendon Conservation Area, although a gated track access from Brickendon Lane sited between No 38 Brickendon Lane and the adjacent properties 32, 34 and 36 Brickendon Lane sited within the Conservation Area. The land occupied is divided into large fenced paddocks with an area of approximately 1 acre to the east near the track which two sets of stables one for 3 horses with tiled roof and the second a two horse stable with tin roof.'*

4.2 Current buildings/structures on site:

- Block of 3 stables with tile roof;
- Block of 2 stables with tin roof;
- Riding arena (manege) 40m x 20m;
- 5 double units of mobile stabling (subject of current application);
- Horsewalker (subject of current application).

4.3 The site is extremely well maintained, and all buildings and structures are close together so that the built area remains compact.

## **5.0 The Proposal**

5.1 The proposal is to regularise the siting of 5 double units of mobile stabling and the horsewalker.

5.2 Each double mobile stabling unit measures 7.3m x 3.6m (24' x 12').

5.3 Each unit has a height at the front of 2.6m (8.5' sloping to the rear to 2.2m. (7' 2''))

5.4 The mobile stable units are built from dark stained timber with black roof sheets.

5.5 The mobile stable units are 'placed' on to chalk floors; they do not have concrete floors.

5.6 The stabling units have been placed around the existing stable block, with just sufficient space between them to enable the safe movement of horses, and access for a vehicle if needed for emergencies.

5.7 When viewed from any direction, the mobile stabling is subservient to the original stable block. By placing the units in an 'L' shape around the north and east side of the existing stable block, any perceived impact on the openness is minimal, particularly in the context of the riding arena to the south-east of the stable block.

5.8 The Officer's Report to the previous application for the riding arena described its impact on the openness as negligible:

*'The manege as proposed would be sited within the smaller paddock close to the existing stables and would comprise of an enclosure with a low level surface treatment and post and tail fencing which would be equitable to the post and rail fencing enclosing the paddocks on the same parcel of land. As such the impact on openness is negligible, and the construction of the enclosure*

*preserves the openness of the Green Belt. In this regard, the proposal does not conflict with the relevant purposes of including land in the Green Belt.'*

5.9 Accordingly, the position of the mobile stabling cannot be said to impact the openness of the Green Belt.

5.10 The horsewalker has been positioned in the space between the two existing stable blocks and the riding arena, so there is no encroachment into the paddocks.

5.11 The horsewalker measures 10.5m (34') in diameter, with a fence height of 1.9m, (6'2"), to accommodate 4 horses.

5.12 **Neighbour amenity:** The proposals will not impact neighbour amenity. The Officer's Report to the previous application stated:

*'In terms of noise there would be limited noise associated with the outdoor equestrian use, but that could not be considered to be an antisocial or of a level of disturbance in a rural area such as to warrant a reason for refusal on noise grounds. The site is not for livery but private use for the applicant and family members.'*

5.13 **Biodiversity:** The field is enclosed by mature hedges and trees, which will be maintained. The land is well managed, and being approximately 20 acres, is more than sufficient to provide adequate grazing to all of the horses and ponies but not to become overgrazed.

5.14 The good management of the land is achieved by rotational grazing, which involves moving the horses between paddocks to ensure that each area is given ample opportunity to rest and grow. This prevents over-grazing, which leads to 'horse-sick' paddocks characterised by sparse grass and weeds.

## 6.0 Planning Policy

6.1 The relevant national and local policies in examining this application are set out below:

- National Planning Policy Framework (NPPF) December 2023
- East Herts District Plan Part 1 and Part 2 2018

6.2 NPPF Section 13. Protecting Green Belt land:

### ***Proposals affecting the Green Belt***

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.*

*154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for **outdoor sport, outdoor recreation**, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; (my emphasis)*

6.3 East Herts District Plan 2018 Part 1:

### ***Chapter 4 Green Belt and Rural Area Beyond the Green Belt***

#### ***4.4 Planning applications in the Green Belt***

***4.4.1*** *When considering any planning application for development, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development in the Green Belt is by definition harmful and should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*



4.4.2 There are however some uses that are appropriate in the Green Belt and these are listed in the NPPF.

### **Policy GBR1 Green Belt**

*I. Planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework.*

6.4 The Local Plan concurs with the NPPF that ‘*outdoor sport, outdoor recreation*’ falls within appropriate development.

6.5 East Herts District Plan 2018 Part 2:

### **19.7 Equine Development**

*19.7.1 Equestrian related activities are popular forms of recreation and economic development in the countryside. These uses, including riding schools and stables, can fit in well with agricultural activities and help to diversify the rural economy. The Council will support equine development that maintains environmental quality and the character of the countryside.*

*19.7.2 While equestrian development can be appropriate in the open countryside, the cumulative impact of horse related activities and associated buildings can have an adverse impact on the character and appearance of rural areas. Existing buildings should, wherever possible, be re-used. New buildings for horse related activities, including stables, field shelters and tack rooms should be no larger than is essential. In most cases isolated development is unlikely to be acceptable.*

*19.7.3 All equestrian development, whether domestic or commercial, should be of an appropriate scale and design and careful attention should be given to siting, materials and landscaping to avoid an adverse impact on the countryside. Particular care will be needed where floodlighting is proposed in order to avoid an unacceptable impact on residential amenity. In assessing any application, regard will be had to the British Horse Society standards for grazing. Where commercial development is proposed in the Green Belt, the requirement to demonstrate ‘very special circumstances’ in accordance with the NPPF will apply*

### ***Policy CFLR6 Equine Development***

*I. Proposals for equine development, whether domestic or commercial, will be permitted when the following criteria are met:*

*(a) The proposal is sited or landscaped to minimise visual intrusion;*

*(b) Where new buildings are proposed, applicants must demonstrate that existing structures cannot be re-used;*

*(c) The siting, scale and design of the proposal is in keeping with the character of the area, with adequate pasture to support horses. Particular regard will be had to the cumulative effect of proposals on local landscape or biodiversity interests;*

*(d) The amenity of nearby residential properties is not adversely affected, for example, in relation to floodlighting, noise and disturbance;*

*(e) The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of traffic generation;*

*(f) The proposal does not result in harm to the ecological network, including partial or complete loss or degradation of Local Wildlife Sites or priority habitats;*

*(g) The proposal does not conflict with other policies within this Plan.*

*II. Where commercial equestrian development is proposed in the Green Belt, the requirement to demonstrate ‘very special circumstances’ will apply in accordance with the NPPF.*

*III. Proposals that result in the loss of equestrian facilities should be accompanied by an Equestrian Needs Assessment which demonstrates that the facilities are no longer needed.*

- 6.6 The applicant’s private equestrian use clearly falls within ‘*outdoor sport, outdoor recreation*’ and is, therefore, appropriate development in the Green Belt. This is supported by both the NPPF and East Herts Local Plan.
- 6.7 There remains more than sufficient grazing for the number of horses and stables, with 20 acres of grazing for the 12 horses and ponies on site, as detailed in the following section.

- 6.8 The proposals are the minimum necessary for the number of horses, providing stabling and storage facilities for all tack and equipment.
- 6.9 The design is in keeping with the existing constructed stable blocks but is of a simpler more functional design and construction.

## **7.0 Justification for Facilities**

- 7.1 The justification for the facilities proposed is prepared in my capacity as an expert in equine welfare.
- 7.2 The following information has been provided with regard to the horses and ponies kept at the site:

**Weetabix** is a 29 year old 13 HH pony, a much loved family pony, previously competed at pony club etc. Needs lots of care due to his age, loss of teeth, laminitis prone in the summer, so needs to stand in during the day.

**Almirante** has just turned 5, I imported him in September with a hope for him to be a dressage horse. He is 16 HH and needs a lot of work to keep him sane, he uses the walker most days.

**Freddy** is a 14 HH cob, he is 23 years old, lives out the majority of time but likes to come in when it's very cold as he suffers from Asthma.

**Piggy** is a 15 1 HH ex showjumper, she had a suspensory injury in 2022 and was box rested for about 4 months. Predominantly she lives out but again at 23 she likes to come in when the weather is bad.

**Nana** is a 13 2 HH section C Welsh mare, again she's been through a family of children competing but now at 22 likes the quieter life. She was on the cusp of laminitis last summer and has been on a very strict regime since.

**Freddy** the Shetland, has been a family superstar all his life, again is prone to laminitis so is kept a very strict eye on and spends most of the summer days in his stable.

**Finlay** is a 15 2 HH section D and is my horse, we compete at Dressage, hunt, attend clinics etc, he is 14 years old and ridden most days.

**Tommy** is a 16 HH ex cavalry horse, who has spent most of his service life show jumping, he is very nervous thus his retirement from the army, he is 21 now. He suffers from acute sweet itch in the summer and is arthritic in his hocks now.

**Cola no** is a 16 2 HH show jumper, 16 years old so doesn't jump the big tracks now. He suffers from mud fever in the winter, so spends time in his stable and uses the horse walker most mornings.

**Olaf** is a 4 1/2 year old Dutch warm blood, imported at 15 months old and then sent to a young stock stud to mature, where he survived a bout of salmonella so is slightly backward in his development. At 17 HH he is a bit of sickly soul and sees the vet regularly. The intention was for him to event but he is a bit of a work in progress due to his poor immune system, the vets recommended he has gentle transition to work until he is fully matured at about 6 and he was the main reason we got the walker as it was recommended that he has long periods of walking every day to gently build him up.

**Holly** is an ex Redwings rescue pony who was subject to much abuse as a youngster, she spent 8 years in the rescue before they found her suitable to re home, she is about 10 years old now and 14 2 HH. She prefers to live out, but has a stable ready just in case of emergencies

**Freckles** is a 16 HH Irish sports horse, he is ridden daily and competes regularly. He is 18 years old, suffers from ulcers but with the correct maintenance is kept under control.

- 7.3 The information provided for each horse/pony sets out that each has very individual needs with regard to care and management in order to maintain optimum welfare. These range from conditions due to being elderly, having metabolic disorders, a rescue pony, and competition horses.
- 7.4 The additional stabling, subject of this application, is essential to provide adequate welfare for the 12 horses/ponies on the site. The existing 5 lawful stables are not sufficient. Leaving the horses out in the paddocks during cold and wet weather will compromise their welfare.
- 7.5 **Animal Welfare Law:** Animal welfare legislation, and specifically equine welfare, has been updated and significantly extended in recent years. The Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, presented to Parliament pursuant to Section 15 of the Animal Welfare Act 2006, was published in December 2017.
- 7.6 **Animal Welfare Act 2006:**  
**S9 Duty of person responsible for animal to ensure welfare**  
*(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.*  
*(2) For the purposes of this Act, an animal's needs shall be taken to include—*  
*(a) its need for a suitable environment,*  
*(b) its need for a suitable diet,*  
*(c) its need to be able to exhibit normal behaviour patterns,*  
*(d) any need it has to be housed with, or apart from, other animals, and*  
*(e) its need to be protected from pain, suffering, injury and disease.*
- 7.7 **Code of practice for the welfare of horses, ponies, donkeys and their hybrids, December 2017:**

*The Code of Practice for the Welfare of Horses seeks to clarify the welfare requirements to comply with 'The Welfare Act 2006' section 15, in relation to the management and care of horses, ponies etc.*

*“The Animal Welfare Act 2006 (“the Act”) requires you to ensure that any horse, pony, donkey or mule for which you are responsible, whether on a permanent or a temporary basis:*

- has a suitable environment to live in;*
- has a healthy diet (including fresh clean water)*
- is able to behave normally;*
- has appropriate company; and*
- is protected from pain, suffering, injury and disease”.*

*You should ensure that you are able to meet the horse’s need for safe and suitable shelter and pasture, whether this is through a livery yard, rented land or land that you own.*

*You need to consider what contingency plans you should have in place in case of emergency, for example: the provision for stabling and transport should emergency veterinary treatment be required; having the means to isolate a horse if necessary; alternative arrangements for the care of the horse should the keeper become incapacitated or goes away for work or on holiday or if the horse should outlive its owner. These contingency arrangements should be reviewed when there is any change in the owners, keepers or horse’s circumstances.*

*The need for a suitable environment (Section 9(2) (a) of the Act)*

*This section offers guidance on providing your horse with a suitable place to live.*

#### *Stable Accommodation/Housing*

*1.12. Welfare should be considered when constructing or altering buildings to provide housing for horses. The main considerations are the safety and comfort of the horses, ease of access and adequate drainage and ventilation. If poorly designed or managed, stabling can contribute to the rapid spread of disease, cause injury and pose significant fire risks. Good vehicular access is essential in case emergency vehicles need to access the site.*

*1.13. The following comments apply equally to all forms of housing including individual stables, stalls and communal barns.*

- Construction: the building should be constructed soundly, with no exposed surfaces or projections likely to cause injury. All surfaces should be capable of being cleaned and disinfected. If surfaces are treated, non-toxic paints or wood preservatives should be used.*
- Floors should be reasonably even, non-slip and designed to give good drainage, taking stable waste away from the horse.*
- Doors should be a minimum of 1.25m (4ft) wide. The height of the door and roof should allow the horse or pony to look out with the head comfortably over*

*the door in order to be able to express natural behaviours maintained by visual stimulation. It should be noted that a standard height stable door (1.32m, or 4ft 6in) will be too high for a small pony or standard donkey. The bottom door should be capable of being securely fastened with top and bottom bolts. Stables may also have a top door which should be capable of being secured in the open position. You should be aware that shutting the top door reduces ventilation and natural light and may cause distress to the horse, and as a result this should be avoided in anything other than exceptional circumstances.*

*- Roofs should be high enough to provide adequate ventilation including good air circulation. There should be a minimum clear space to the eaves of 60-90cm (2-3ft) above the ears of the horse in its normal standing position.*

*- Light: sufficient light is essential within all stabling both for the horse to see adequately, and also to enable inspection and safe handling of horses at all times. This can include portable lighting. Light bulbs should be enclosed in safety fittings with cabling secured well out of reach.*

*- Windows and ventilation slats should provide adequate air circulation without creating draughts. Perspex or safety glass (with grilles fitted between the horse and the glass) is advisable. One window or top door should normally be open at all times.*

*1.14. Adequate ventilation in any equine housing is essential. Horses can develop respiratory problems if kept in housing with poor ventilation. Levels of dust within stables should be kept to a minimum and there should be a good flow of air through the buildings without unnecessary draughts.*

*1.15. As horses and ponies vary so greatly in size it is difficult to set an ideal size for loose boxes, barns or stables. However, as a minimum, each horse should have sufficient room to lie down, readily rise and turn around in comfort. Boxes for foaling and for mares with a foal at foot will require additional space.*

- 7.8 Of the 10 stables subject of this application, and the existing 5 stables, 3 of these are used for storage.
- 7.9 These are used to store essential items such as tack, equipment, and veterinary supplies. They also store rugs as each of the horses/ponies has a number of rugs for varying temperatures. They accommodate feed bins to prevent vermin contamination.
- 7.10 Yard equipment such as wheelbarrows, forks, yard brushes and other yard maintenance equipment also needs to be stored securely.

- 7.11 The horsewalker is required to provide an additional form of exercise, beyond being schooled and trained, for those horses competing. Competition horses need regular exercise to maintain fitness and well-being. Many years ago, this would have been achieved by ‘road work’, which involved steady walking for an hour or more on the roads. However, roads have become too dangerous for exercising horses. The Parish Council previously acknowledged this danger when consulted on the arena application. The local roads are very busy as they are used as a ‘cut-through’ by commuters.
- 7.12 Traffic in the area has also increased significantly due to coaches travelling to and from ‘Celtic Harmony’, which is adjacent to the application site.
- 7.13 The horsewalker is also invaluable for exercising young horses, who need walking exercise in order to build strength and muscle, but who cannot be exercised on the roads.
- 7.14 The information provided about each of the horses and ponies on site, demonstrates that most are older horses, and many are prone to laminitis. This means that they cannot be turned out into the paddocks on frosty mornings, which often triggers this serious and painful condition. During the summer, when their access to grass has to be restricted, rather than being kept stabled for long periods of time, they can be exercised on the horsewalker.
- 7.15 Horsewalkers are also very useful facilities to allow a horse to cool down adequately after hard work without stiffening up as well as to ‘warm up’ before commencing training or more physically demanding work.
- 7.16 The horsewalker is also useful as a gentle form of exercise for horses recovering from injury. During severe weather, such as snow or ice, the horses can be safely exercised.
- 7.17 Horse ownership in the local area is considered to be in decline as the majority of the local stabling has been converted into luxury housing. As appropriate development in the Green Belt, ‘paragraph 154 b) *‘outdoor*



*sport, outdoor recreation*', planning policy supports the provision of recreational facilities for outdoor sports such as riding. It is hoped that the planning authority can support the provision of equine welfare facilities on this site, to prevent equestrianism in the area dying out.

- 7.18 **Traffic implications:** The additional stables do not increase vehicle movements to and from the site as there is no commercial use. Also, the stables have now been on site for almost four years, so there will be no increase in vehicle movements as a consequence of allowing the application.

## **8.0 Conclusion**

- 8.1 The proposal is for additional stabling and horsewalker for the private equestrian use by the applicant and family and friends.
- 8.2 The amount of facilities proposed is proportionate to the applicant's recreational equestrian use of the site, is the minimum necessary to enable it to fulfil its purpose, and is essential for equine welfare.
- 8.3 The proposal complies with national and local planning policies.