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**Standing up for Hertfordshire's countryside**

Andrew Wright  
Planning and Building Control  
St. Albans City and District Council  
St. Peter's Street  
St. Albans  
Herts AL1 3JE

Our Ref:

Your Ref:

4<sup>th</sup> September 2020 (by email)

Dear Mr. Wright,

**Application No. 5/2020/1628**  
**Change of use of agricultural land to equestrian (retrospective)**  
**Woodland Edge, Drop Lane, Bricket Wood, Hertfordshire AL2 3TX**

CPRE Hertfordshire object to this latest application for change of use from Agricultural to Equestrian on this Green Belt site. We have concerns regarding anomalies between this application and those submitted previously.

There have been a series of applications relating to this property, namely Nos. 5/2016/0123, 5/2016/3404, 5/2017/2382 and 5/2018/0116.

Application 5/2016/0123 was for change of use from agricultural to land for keeping horses and construction of four stables. This was refused by the Council as inappropriate development. (It should also be noted that a similar application on an adjoining site was also refused and dismissed on appeal.) The applicant promptly submitted an application for the erection of agricultural buildings to facilitate the keeping of alpacas. This was given a conditional approval (5/2016/3404). The other two applications relate to the discharge of the conditions.

Consequently the current use on the site should be the keeping of alpacas for the production of wool (as the applicant claimed in the documents supporting 5/2016/0123).

However the current application is for retrospective approval for grazing and stabling of horses. Section 5 of the Application Form says that this inappropriate use started in May 2015, i.e. before the submission of application 5/2016/0123 for agricultural use, and has continued since that time. It would appear that the stated use of the approved agricultural buildings was not implemented, that an unlawful use of the site has been taking place since 2015 and the current application is an attempt to regularise that unlawful use. The Council will have to satisfy itself on this point before determining the application.

**CPRE is working nationally and locally for a beautiful and living countryside**

**CPRE Hertfordshire is a Charitable Incorporated Organisation**

President: Sir Simon Bowes Lyon, KCVO  
Chairman: Richard Bullen

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In refusing the earlier application for change of use to equine, the Council determined that the application did not comply with bullet point 2 of para. 89 of the 2012 version of the National Planning Policy Framework and cited the judgement in *Timmins vs. Gedling*. This point was supported in the appeal decision refusing equine use on the adjoining site. The applicant states that *Timmins vs. Gedling* is out of date because of the 2019 amendments to the NPPF. We can find no legal evidence to support that view. Bullet point 2 of NPPF 2012 para. 89 was directly translated into NPPF 2019 para.145(b) and added as 146(e). Neither of those change the principles on which the previous application was refused.

The Inspector, in dismissing equine use on the adjoining site, drew attention to the agricultural quality of the land: "I acknowledge the appellant's comments that the land is grade 3 agricultural land and this has not changed since the 1970s. However, even if I were to accept this there is no assessment as to whether any alternative lower grade land could be used. In the absence of such I must conclude that the proposal would result in the loss of agricultural land without appropriately considering whether any poorer quality land is available. Thus, the proposal would be in conflict with saved Policy 102 of the LPR which seeks to avoid the loss of agricultural land without appropriate justification." (APP/B1930/W/17/3166542). The same applies here. The applicant makes a number of statements regarding the grading of the land, which the Council will have to consider in determining the weight which can be applied to them.

In planning law, change of use of land amounts to development. The Supreme Court judgement in *Samuel Smith Old Brewery*[EWCA Civ 489] held that when a development was likely to have visual effects within the Green Belt, the decision-maker is required to consider how those effects bear on the question of whether the development would preserve the openness of the Green Belt. The unlawful use of the land has brought with it ancillary paraphernalia associated with equine use (horse boxes etc.). These represent intensification of use over and above that approved for alpaca rearing, and create harm to the Green Belt through inappropriateness and reduction of openness. No 'very special circumstances' to outweigh that harm have been presented.

We urge the Council to reject this application.

Yours sincerely,

David Irving