
Appeal Decision

Site visit made on 9 April 2026

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Appeal Ref: APP/X1925/W/25/3375383

Land At Church Wood, Three Houses Lane, Codicote, Hertfordshire SG4 8TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by D&A Architectural & Structural against the decision of North Herts Council.
 - The application Ref is 24/01042/FP.
 - The development proposed is change of use of land to equestrian and erection of stables and covered ménage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposal is inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - The effect on openness and the purposes of the Green Belt;
 - Flood risk; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Character and appearance

3. The appeal site comprises an irregular shaped undeveloped field that sits to the south of a complex of modern rural buildings. The site, to the south, neighbours an equine use and open fields, but otherwise it is surrounded by woodland of varying density. Despite the presence of trees along the Three Houses Lane frontage, views through the site are afforded from the roadside.
4. The surrounding area is distinctly rural in character characterised by narrow roads such as Three Houses Lane, sporadic development, occasional woodland and extensive open fields, including the site, and which gives the area a sense of spaciousness and tranquillity.

5. I acknowledge that the proposed materials would be sympathetic to the surrounding rurality. However, the stables and menage on account of its overall scale and form, occupying a considerable undeveloped and open area of the site would unacceptably erode the sense of spaciousness that currently exists.
6. Given the above, it would be a notable presence, clearly visible through the surrounding woodland, when viewed from the local area. It would appear as an unduly prominent and dominant structure harming the area's character and appearance.
7. Whilst the appellant has suggested that planting would soften views of the development, there is no substantive evidence to indicate it would remain for the lifetime of the development such that they would continue to screen or soften it. Whilst a condition relating to landscaping could be imposed, there is no evidence regarding landscaping before me, thus there is no certainty that it would mitigate the harm identified.
8. Whilst I note the presence of other equine uses locally and that stables and menages are not uncommon in rural areas this is not justification for a scheme that I have found to be harmful.
9. Turning now to vehicular movements – the appellant advises that these would be limited to day-to-day deliveries and occasional horse transport akin to movements associated with small rural enterprises. There is no doubt that the proposed development would result in vehicular comings and goings. That said, the appellant advises that the lawful use of the site is agricultural, which is not disputed by the Council, and which likely generates vehicular movements including agricultural machinery. Thus, given the nature of the existing and proposed use and the likely associated movements I am not persuaded that the vehicular comings and goings would have an unacceptable harmful effect upon the character of the area.
10. Despite the above, the proposed development would unacceptably harm the character and appearance of the area contrary to Policies SP9, D1 and NE2 of the North Hertfordshire Local Plan (LP) which, amongst other things, require new development to be well designed, respond positively to its local context and prevent unacceptable harm to the character and appearance of the surrounding area.
11. Reference has been made to Policy KBBE4 of the Knebworth Neighbourhood Plan, by the appellant, however, this does not provide justification for the scheme before me.

Whether the proposal is inappropriate development in the Green Belt

12. The Framework states that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of specified exceptions. This includes the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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 as set out in Part b) of paragraph 154.

13. LP Policy SP5 relates to the Green Belt and states that development proposals will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated.
14. The proposed development is for stables and an indoor menage with associated infrastructure for private use forming an equine facility for outdoor recreation and which is not deemed to be inappropriate development subject to caveats. Therefore, in the context of paragraph 154 b) the question is whether the proposal would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
15. Dealing with openness first, the Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
16. The stables and menage would be accommodated within an L shaped building positioned along the southern boundary of the site. The proposed development on account of its overall footprint, scale and form would be sizeable occupying a considerable undeveloped and open area of the site. Accordingly, in my view, it would not preserve the openness of the Green Belt in spatial terms.
17. For these same reasons the proposed development would be a conspicuous feature within the local landscape. The stables and menage would be visible in views from neighbouring properties and in views when travelling along Three Houses Lane, notwithstanding the presence of trees and planting. Therefore, the proposal would also result in a loss of openness in visual terms.
18. The introduction of built form into an otherwise undeveloped and open area would also lead to an encroachment into the countryside, contrary to one of the purposes of the Green Belt.
19. There is nothing substantive before me to suggest that the proposed development would be comparable to buildings and structures that could be built under agricultural permitted development rights. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
20. Drawing these matters together the proposal would constitute inappropriate development in the Green Belt as set out in paragraph 154 b) of the Framework. There would also be conflict with LP Policy SP5.
21. The Glossary to the Framework sets out the definition of grey belt. It is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143.
22. In terms of this paragraph both main parties are of the view that the site does not strongly contribute to purposes a), b) and d) and based on the evidence before me I can only come to the same conclusion. Therefore, the first criterion would appear to be met.
23. The proposal is for a modern purpose-built, all-weather facility for a private horse owner. Planning is concerned with land use in the public interest, and, in my view, paragraph 115 b. seeks to support developments whether that is residential, commercial or otherwise where there would be a wider benefit to the local

community or society as a whole. To my mind, it does not provide justification for schemes that would largely serve a private interest as is the case before me.

24. The contribution that the proposed development to the equestrian sector, the local rural economy and the county's equestrian infrastructure is noted but this does not amount to demonstrating that there is an 'unmet need' for such facilities. Furthermore, the level of need for private facilities or any information demonstrating a lack of other alternative options in the surrounding area has not been fully demonstrated. The case outlined in the appellant's evidence is essentially anecdotal and not supported by any empirical data. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
25. Consequently, having regards to the particular merits of the scheme before me the site does not meet the definition of grey belt.
26. As I have found that the proposed development would be inappropriate development within the Green Belt in the context of Framework paragraph 155 on account of need there is no benefit in me considering whether the development would be in a sustainable location.

Flood risk

27. The Council's concerns relate to the potential for surface water flooding. The appellant's Flood Risk Assessment and SuDS Report indicates that the site is at a low risk of flooding from all sources. Having regard to this report I am satisfied that the site conditions in respect of flooding including surface water flood risk have been established and the parameters of a workable drainage strategy identified. Furthermore, additional details could be reasonably secured by condition.
28. As such, based on the evidence before me I am satisfied that the proposed development would not increase the risk of flooding on and off the site. It therefore would accord with LP Policy NE8 which, amongst other things, encourages the most appropriate sustainable drainage solutions to reduce the risk of surface water flooding.

Other Matters

29. The appellant has drawn my attention to decisions made locally and in North Yorkshire for similar developments which they contend are relevant. However, based on the limited information before me I cannot be satisfied that they are comparable to the scheme before me. In any event every application and appeal must be considered on its own merits, as I have done. These examples do not lead me to reach a different conclusion in respect of the appeal.
30. I acknowledge that the proposed development would support local rural businesses and equine employment and there are no objections in terms of vehicular visibility, internal vehicular circulation and living conditions. I also note that the scheme would result in a net gain in biodiversity. However, these matters do not outweigh the harm that I have identified.
31. Whilst the Framework encourages the efficient use of land and supports rural economic growth it also recognises that developments should be sensitive to its surroundings.

32. The alleged conduct of the Council during the course of the application is not a matter for me in assessment of this s78 appeal.
33. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.

Conclusion

34. The proposed development would be inappropriate development in the Green Belt. It would also result in a loss of openness. I attach substantial weight to this harm, as required by paragraph 153 of the Framework. I have also found harm with regard to the character and appearance of the area.
35. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
36. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR