

NEW FOREST EQUINE FORUM

Minutes of the meeting held in the Conference Room, South Efford House on Monday 27 October 2009

Forum members present:

Vicky Bignell (Chair)
Alison Russell
Anne Moulard
Charlotte Riddoch
Chris Aldhous
Chris Marshallsay
Clive Maton
Dionis MacNair
Fiona MacDonald
Graham Ferris

James Young
Jane Murray
John Durnell
Nicola Stephens
Sue Bennison
Sue Fairway
Suzanne Kempe
Tessa Johnstone
Tina Cant

Also in attendance: Steve Avery, Barrie Foley and Naomi Stone, NPA
Ian Davis, Scott Bailey Solicitors

1. **Apologies**

Apologies were received from Alex Chalmers and Pat Thorne.

2 & 3. **Minutes of previous meeting and matters arising**

- 3.1 It was agreed to remove the word "officially" from the final para on page 1 of the minutes.
- 3.2 Referring to the minutes Chris Aldhous stated the point he was making about change of use was that people could do what they wanted to, for example put up temporary cheap buildings in case they had to pull them down again and even put up cheap caravans. He felt NFDC's policies made things a lot worse.
- 3.3 On a similar point relating to change of use John Durnell felt this should have no impact on the discussion because the effect of sub-division, regardless of it being associated with horse-keeping, resulted in a fragmented landscape which is environmentally undesirable.
- 3.4 The minutes were agreed as a true record subject to the amendment in 3.1 above.

4. **Approval of Policies DM12, 13 and 14**

- 4.1 Steve introduced Policies DM12, 13 and 14 and asked for any final comments from Forum members. Tina tabled some written comments and proposed amendments to the wording of the policies. Others mentioned that the revised policies did not reflect earlier agreements in respect of lighting and indoor maneges.
- 4.2 Steve advised the Forum that there has to be consistency in wording across all planning policies in the revised Core Strategy. He had already changed the wording as agreed at the last meeting and as recorded in the minutes (bottom of page 2). The policies had to be expressed in clear and direct terms. He could though make an amendment that would allow maneges to be provided in existing buildings (in accordance with the policy that permits the re-use of existing buildings).
- 4.3 Barrie stated that he thought these policies had been agreed at the last meeting.
- 4.4 Tina was reluctant to agree the policies having not seen the guidelines. Steve suggested that the reassurance Tina and others were seeking could be provided in the guidelines.
- 4.5 Chris Aldhous ran through the points raised in his earlier email and the concern that the reference to 3,500 recreational horses was misleading – the number applied to shod horses and not those kept exclusively for recreational purposes. Steve was happy to amend and invited suggestions as to what this figure should be (if known).
- 4.6 Sue Bennison felt that there should be no external lighting to new maneges – it would not help the Parish Council to support otherwise acceptable maneges. Steve advised that light pollution was an important issue for Authority members.
- 4.7 Clive asked whether the revised policies now differed much from the existing NFDC policies. Steve confirmed that the policies were now very similar and in some respects, were expressed in more positive terms (for example by removing the words "only permitted" and "playing down" any associated erosion impacts on the open forest). Clive suggested getting the policies and guidelines together and agreeing them side by side.
- 4.8 Vicky stated the Forum had to start to try and put some trust in the National Park Authority. She said those on the Forum had seen a lot of progress and that Steve had made a lot of changes and could not water the policies down much more. Vicky added that the National Park were consulting with the Forum, whereas the Planning Inspector would not.
- 4.9 Ian Davis, Solicitor from Scott Bailey, suggested agreeing the basic principles and then concentrating on the explanations.

- 4.10 John Durnell commented that the Planning Inspector will test the policies against the Habitats Regulations and the National Park purposes. If the policies do not meet the criteria they will be thrown out or changed unilaterally by the Inspector.
- 4.11 Steve reminded the Forum there were only six weeks left before the revised policies are reported to the Authority's members for approval. He could try and get the guidelines written in that time but the revisions to the Core Strategy was a pressing priority for Steve and the team. Steve added that unlike the planning policies, the guidelines were not subject to any external scrutiny and that there was more of a free reign on what the guidelines could or could not say.
- 4.12 Barrie suggested everyone work together on the guidelines.
- 4.13 It was then agreed that the Forum would support Policies DM12 and DM13 as drafted and that DM14 be amended to allow the provision of indoor maneges in existing buildings in accordance with the policy that permits the re-use of existing buildings.
- 4.14 A further change was to the words in the first line of the sub text to Policy DM14, substituting "and riders" with "and training of riders".
- 4.15 Steve will also change the reference to 3,500 recreational horses.
- 4.16 Steve will circulate the wording of the revised DM14 policy before the next meeting.

5. **Determining a change of use of agricultural land to recreational horse keeping**

5.1 Steve introduced his paper on Change of Use (copy attached) and felt that the guidelines should do more than simply repeat national planning legislation and guidance. The guidelines needed to be written in plain English so that everyone could understand them. He thought it was a good idea to start off by listing some examples of when planning permission was not required.

5.2 Taking each heading in turn:

5.2.1 **General Comments**

No further comments.

5.2.2 **When does recreational horse keeping not require planning permission?**

Chris Aldhous suggested that it was not simply confined to horses grazing a field, the guidelines needed to reflect other commoning activities which are part of the agricultural process, such as stabling a sick animal.

Alison Russell commented that she was not aware of half of these things and thought it was very helpful and positive to start the guidelines with "you do not need planning permission..." She thought that what might suggest a change of use is most difficult to define. She said sub-dividing fields can look appalling and is not the sort of thing we want on the forest.

Chris Aldhous added that he does not want to see a horse in a small area of land where it can't go anywhere else.

John Durnell pointed out that people know when they are sub-dividing a field.

Tina Cant stated that she owns six acres and divides hers. She does it with posts and wire fencing and thinks it is visually unobtrusive.

Sue Bennison commented that everyone sub-divides fields to some extent. She temporarily restricts her horse from grazing in the spring. She pointed out that this is not the problem. The problem is 10 acre fields being sold off in plots to individual people to keep their horses. They are then divided by both fences and ownership and this is where the problems occur.

Clive Maton told the Forum that nothing can be done about what has happened in the past. The Forum needs to create guidelines and policies to tackle this kind of thing in the future.

Ian Davis confirmed that notwithstanding any planning implications, people can sub-divide fields and sell off plots of land as they wish - there were no conveyancing laws to stop this from happening.

Graham Ferris thought that there should not be a heading saying "when does recreational horse keeping not require planning permission?" He thought it should be changed to "when does horse keeping not require planning permission". He also felt we should expand on the wording "just grazing in a field". He felt expansion was needed to help people understand what this means. Alternative wording could be "mainly maintained by grass that grows in that field". It is more about how the land is being used rather than what the horse is doing.

Sue Fairway queried the "28 day rule". She asked for clarification, was this 28 days in a row or any 28 days within one year? Steve confirmed that it was 28 days in any one calendar year and that the 28 days did not have to run consecutively.

Tina stated that it was not as black and white as this, it varied depending on what you were predominantly doing on the land.

Graham Ferris felt that "domestic property" was not the correct terminology.

Ian Davis advised the use of the word "curtilage" instead.

5.2.3 What might suggest a change of use?

Tina thought this section could include some reference to commercial purposes for example a dealer providing horses for sale.

Steve asked what the Forum members thought constituted an "intensive" horse keeping use.

Tina said that FUG's legal representative generally believed this to be predominantly commercial yards, delivery and studs which would be regarded as professional or commercial. Or where horses could not survive without feeding. Steve asked Tina if she had a copy of this legal view as it would be very useful for the Forum to have sight of it.

Sue Bennison felt it related to the number of horses per acre, with a change of use occurring when there were too many animals kept on a small piece of land.

John Durnell felt the definition was good agricultural condition. He informed the Forum that this is set down quite formally somewhere for single payment schemes. If it is not adhered to then they lose their payments. If people want to sub-divide and it is not a blot on the landscape then there is not a problem. Others also suggested that poor land management might trigger a change of use; Ian Davis commented that in terms of sub-division, we should use the phrase "contrary to good land management".

Sue Fairway commented that she had found a lot of information about this issue on the Mendip Hills Council website.

Vicky felt that photos were a good way of illustrating both good and bad use of land. Steve already had some photos and Vicky knew of people who would let her take photos of their land.

Fiona felt there were two aspects to this item. The landscape and the land itself. She said we should be looking at best practice for both and that positive photos would be a good idea as they would show what was acceptable.

Jane said she liked this idea but would like to see more context. She has neighbours who accuse her of dealing because she sells a few foals each year. It would be helpful to set the commoning scheme in more context, perhaps at the beginning. Following on from that it could be identified what would constitute a change of use.

Vicky asked Forum members to forward her any notes that they have on this topic.

6. **Website**

- 6.1 Vicky informed the Forum that the website has not been updated as Steve Kitcher has been laid up following a fall from his horse. Vicky has been working closely with Fiona, they have spoken to Bruce Rothnie at the Forestry Commission and he is going to put codes of riding in the forest on the Forestry Commission Notice Board. Bruce is happy for the Forum to put links to the FC website to inform riders of other things that may be taking place in the forest on certain days.
- 6.2 Fiona is going to speak to local vets so that advice on worming etc can be put on the website.
- 6.3 The Forum minutes will also appear on the website, once agreed.
- 6.4 John Durnell suggested that we could put on something about pasture management and what to feed your horse.
- 6.5 Barrie said it could also be used to illustrate NPA guidance and planning conditions/rules.

7. **Funding**

- 7.1 Chris Marshallsay tabled a paper on funding for the Forum to deliberate.
- 7.2 Sue Fairway commented that the Mendip Hills documentation was funded by Natural England.
- 7.3 Barrie informed the members that the National Park would try and support funding if they could but he could not guarantee anything. He reminded the Forum that the National Park Authority is a public body and are scrutinised on all their spending. They cannot be seen to be favouring one organisation over another.
- 7.4 Vicky felt that she would want to see the policy first and personally felt that discussing funding was a little premature at present.
- 7.5 John Durnell stated that it would be nice to have a pot of unrestricted money, possibly gained through fundraising, which could then be used as widely as possible.
- 7.6 It was agreed to come back to this subject at a later date.

8. **Any other business**

- 8.1 The topic of how to publicise the Forum was discussed but no actions were agreed.

9. **Date of next meeting**

The date of the next meeting was agreed as Monday 23 November with a start time of **6.30pm** at South Efford House.

The meeting closed at 7.45pm.

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Determining a change of use of agricultural land to recreational horse keeping

Some notes to assist the Equine Forum in considering when a change of use might occur and how that should be articulated through guidance...

General Comments

- A notoriously 'grey area' in planning law
- Very difficult to make 'hard and fast' rules as each case must be assessed on its merits having regard to the particular circumstances of the site and the nature of the use
- Any guidance is therefore just that – guidance

When does recreational horse keeping not require planning permission?

- Horses kept for recreational use do not require planning permission if they're just grazing in a field
- This can include supplementary feeding and rugging! And buildings that are simple and rural in their appearance, like field shelters
- Equipment such as schooling rings and horse jumps can be put out on land for up to 28 days in any one calendar year
- Any horse kept on a domestic property for the occupier's own use

(this is not meant to be an exhaustive list)

What might suggest a change of use?

- The 'intensity' of the use (what are the characteristics of an 'intensive' use?)
- Subdivision of fields into small plots (this seems to be the main concern)
- Should we try and define what we mean by 'small plots', e.g. what does an overly intensive use of a 'small plot' look like? Would we want to try and specify an area, e.g. less than 'x' ha?
- Formal layout and arrangement of fixed items such as buildings, fences, access roads, fences; the combined affect of which is that the land loses its agricultural appearance/character?
- So could certain types of development indicate a change of use (in terms of their appearance, degree of permanence, function?)
- What comes into our mind's eye when we think about recreational horse keeping activities that may require planning permission?

What are we seeking to achieve?

- Reassurance for horse owners
- Consistency and fairness in the application of the planning rules
- Emphasis on positive guidance (pasture management, equine welfare, design of buildings etc)
- To convey the planning legislation in simple to understand terms – not to just repeat national legislation/guidance – pictures could convey more than words?

- Not to over regulate recreational horse keeping – i.e. we shouldn't be inviting LUC applications where there are no problems (even if technically there may be a 'change of use')
- Nor should we over prescribe what constitutes a change of use
- To prevent sites getting to the point where harm might be caused to the environment

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