

# COLNEY HEATH PARISH COUNCIL

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Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath

**CD 9.12**

date	Issue version	Revision
22 Aug 2023	1	Issue to Planning Inspectorate

## **PREVIOUSLY DEVELOPED LAND**

### **Proof of Evidence**

by

**John Clemow**

Colney Heath Parish Councillor

For Colney Heath Parish Council Rule 6 Party

Planning Inquiry

PINS Ref : APP/B1930/W/23/3323099

LPA REF: [5/2022/1988](#)

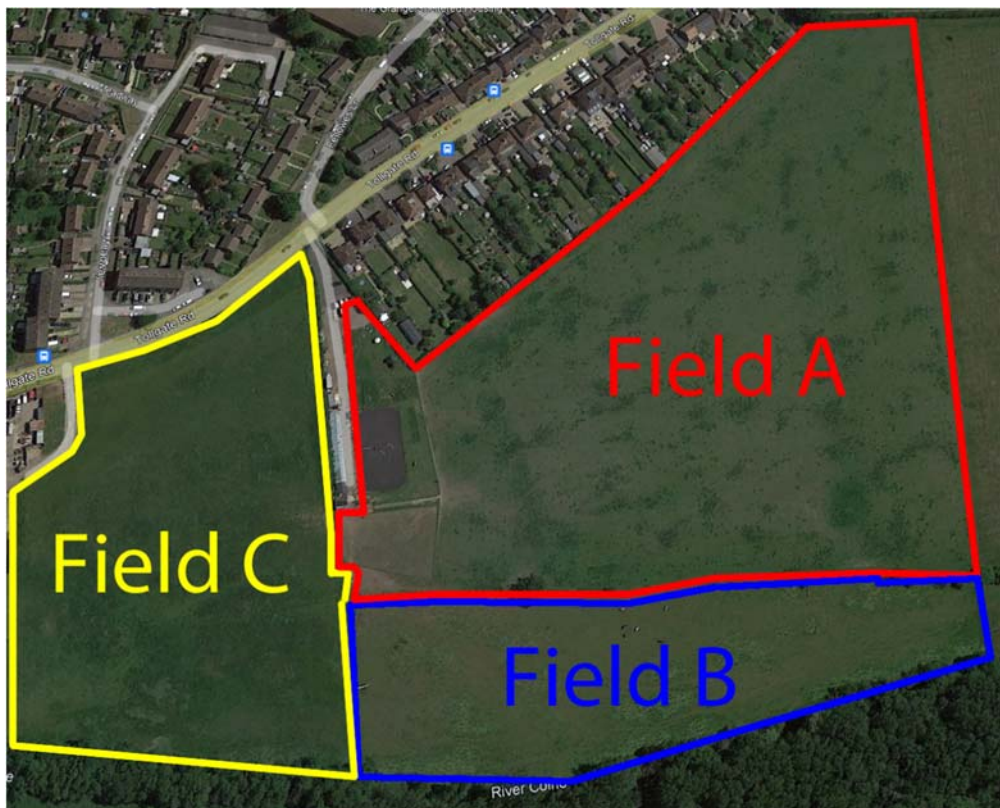
## Summary

Evidence set out below shows the fields within the Appeal site have not been in regular and consistent equestrian use without material interruption for the last 10 years.

There has been no change of use application and so no Certificate of Lawfulness for equestrian use has been issued.

The agricultural use status of the land remains in place. The fields should not be considered within the curtilage of the stables and hence cannot be considered PDL.

- 1 Evidence of the field and its use over the last 10 years is provided at Appendix 1 with 15 Google Earth images with a commentary for each. This is supplemented by Appendix 2 which shows Google Earth images of an adjoining field which is not part of the Appeal Site. Observations noted below are based on the Statements of Truth in Appendix 4
- 2 A map of the site and the adjoining field which is not part of the site is shown below. Three areas are clearly labelled Field A and Field B within the Appeal site and Field C on the adjacent land.



- 3 Field A where the Appellant proposes to build houses is grazed by the horses during the winter months only. This has been observed to be some time from about mid-October through to the end of April (approximately 6 months per year).
- 4 Field C is not part of the Appeal site. It is used by the same horses for summer grazing. It is immediately next to Tollgate Road and in full view of local residents and passers-by all of whom will have been witness to this summer grazing migration.

For a period of 2 to 3 months each, and every year for over 10 years during the summer months, the horses have grazed on Field C. The photos below taken on 07/08/23 show the horses grazing on Field C which is completely unrelated to the Appeal site.



Field C photo 7<sup>th</sup> August 2023



Field C photo 7<sup>th</sup> August 2023





Field C photo 7<sup>th</sup> August 2023

- 5 In the Google Earth images at Appendix 2 the horses which normally graze on the Appeal site can be seen historically grazing on Field C during the summer months. The images in Appendix 1 for Field A and Field B taken at the equivalent time show no horses at all. Since there are normally between 11 and 15 horses on the site even if some were taken away it would be expected that some would remain and would be seen on the images at Appendix 1 if they were still grazing the fields on the Appeal site.

The following photos taken on 20/08/23 show that no horses at all can be seen grazing on either Field A or Field B.



Field A photo 20<sup>th</sup> August 2023 (no horses can be seen)





Field B photo 20<sup>th</sup> August 2023 (no horses can be seen)

6 It can therefore be seen that in the last 10 years the horses have not been on the Appeal site for a total time approximating to between 20 and 30 months (10 years x 2 or 3 months) ie 1 year 8 months to 2 years 6 months. Hence they have not regularly and continuously throughout each of the last 10 years been grazed on the field which is the subject of this Appeal, a fact which would need to be established in order to prove lawful equestrian use.

7 In *Sykes v Secretary of State for the Environment* (1981) Donaldson L.J. held that a distinction was made between the grazing of horses which is an agricultural use - and does not require permission - and the keeping of horses which does require permission.

He held that it was necessary to question: "What was the purpose for which the land was being used?"

"If horses are simply turned out onto the land with a view to feeding them from the land, clearly the land is being used for grazing. If, however, horses are being kept on the land and are being fed wholly or primarily by some other means so that such grazing as they do is completely incidental and perhaps achieved merely because there are no convenient ways of stopping them doing it, then plainly the land is not being used for grazing but merely being used for keeping the animals."

8 It has been observed that the horses are rarely fed any extra food in Field A or Field B even during the winter months. Only during times when snow is on the ground or perhaps when the ground is frozen solid for a prolonged period has hay been seen to be provided, and even then no concentrates from buckets have been seen to be fed. The amount of supplementary food seen to be given on the field is not enough to sustain life on a day to day basis. The horses' prime source of food would appear to be from the grass provided from

the field itself. This would be classed as “grazing” not “keeping” and is therefore agricultural use.

- 9 There is no evidence in any of the Google Earth images at Appendix 1 of any hay, hay feeders or buckets of any sort in the field to prove that the horses are fed supplementary feed on top of the grass they graze from the field.
- 10 The history of the ridden use of the site can be seen in the Google Earth images at Appendix 1. It is clear that there is no proof from these that the site was used at any time for riding before 2016. The Appeal site has not been used for riding, training or exercising horses regularly and consistently over the last 10 years.
- 11 Furthermore the Appeal site was not used for riding, training or exercising of the horses for around 6 months of each year for the last 10 years during the winter months (mid-October to the end of April).
- 12 No horses were or are seen to be ridden in Field A during the winter. Similarly no horses were seen to be ridden on Field B at this time, as this field (being in Flood Plain 3) is often under water or water logged. During these winter months the horses were seen to be exercised in Field C meaning that there was no continuous and regular use of the site for riding, training or exercising over the last 10 years. This arrangement of using Field C during the winter months continued until the manège was built in June 2018.
- 13 Google Earth images in Appendix 1 show that the manège was not there on 07/05/2018 but it does appear on the image for 25/06/2018. This means that the manège has been present on site for 5 years only, not the 10 years required for the proof needed for a change of use application. A manège requires substantial engineering works to create a flat area with suitable drainage and surfacing; this requires planning permission from the LPA and no such application can be found on the SADC planning portal.
- 14 The horses migrate to Field C in the summer. They have minimal supplementary feeding on Field A and B. Fields A and B have only been used intermittently for riding and exercising the horses and that is for less than 10 years. It can therefore be concluded that the agricultural fields which comprise the majority of the appeal site have not been in consistent, regular and continuous use for “keeping” horses (equestrian use) for the last 10 years.
- 15 Without proof of equestrian use for the last 10 years a Certificate of Lawfulness would not be allowed. Therefore the fields should not be considered within the curtilage of the stables. The curtilage of the manège is not relevant as this does not appear to be a legal structure, nor has it been in place for 10 years. If the land is not within the curtilage of the stables then it

cannot be considered PDL (see Appendix 3 for comment on Curtilage).

- 16 The Appeal site was used as agricultural land farmed by Colney Heath Farm and later from Warren Farm, Coursers Road, Colney Heath. The photographs below show an agricultural crop being harvested in approximately 1988. The photos were taken from a house on Tollgate Road which backs onto the Appeal field. Fredericks Wood can be seen in the background.



- 17 The Natural England Guide to Assessing Development Proposals on Agricultural Land (updated 5<sup>th</sup> February 2021) refers to Government policies and legislation which should be considered when development proposals affect agricultural land and soils. They aim to protect the best and most



versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals. It further says that LPAs should use the NPPF to consider the economic and other benefits of BMV agricultural land.

- 18 A detailed survey at Agricultural Land Classification Post 1988 ALC survey, St Albans, Colney Heath Farm (ALCC03890) was undertaken in 1990 and published by Natural England on 04 July 2016. It shows the Appeal site field to be a mix of Grade 3a and Grade 3b agricultural land. It is therefore clear that the Appeal site contains an area of BMV agricultural land. The site could be used to produce food crops and enhance the food security of the nation should the owners decide not to graze horses there at any time or if the equestrian use status of the land is dismissed.

## 19 **Conclusions**

- a. It is necessary on the balance of probabilities to prove the “keeping” of horses on the fields regularly, consistently and without material interruption for 10 years for there to be grounds for a change of use from agricultural to equestrian status. This can be proved not to be the case.
- b. For 2 to 3 months each year during the summer the horses are transferred to and graze on Field C which is not part of the site. It can therefore be seen that in the last 10 years the horses have not been on the site for some time approximating to between 20 and 30 months (ie. 1 year 8 months to 2 years 6 months).
- c. “Grazing” of horses is permitted on agricultural land and does not constitute equestrian use.
- d. To apply for a change of use for these agricultural fields it would be necessary to show that supplementary feeding, riding, training and exercising of the horses (ie. the “keeping” of the horses) was taking place regularly and continuously throughout the previous 10 years on the site
- e. The horses are rarely given hay in the field with this being only during the most extreme cold weather of the winter months and no hay feeders or buckets have been seen to be provided on the field
- f. The first visual evidence of riding, training or exercising on the site is in October 2016 (less than 7 years ago)
- g. Prior to June 2018 (and the building of the manège) the horses were ridden, trained or exercised off site in Field C during the winter months (approximately mid-October to end April) ie for approximately 6 ½ months of the year each year there was not continuous use of the field for riding, training or exercising of horses

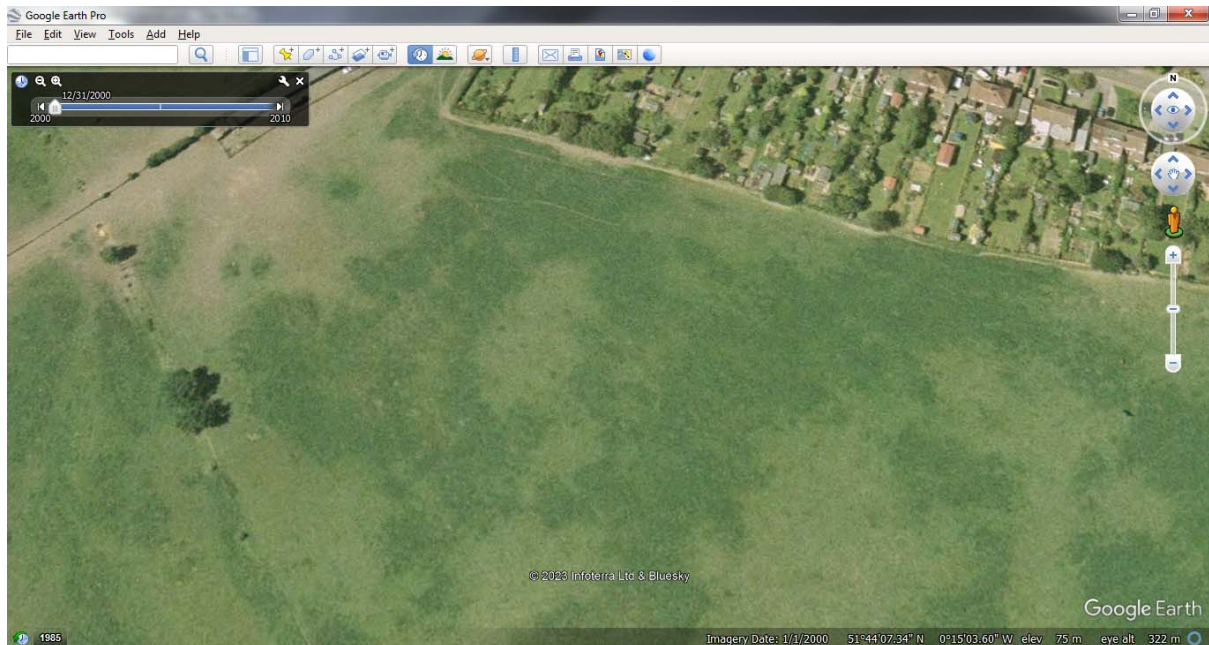
- h. The manège was built in June 2018, only 5 years ago and no planning permission for this can be found on the SADC planning portal
- i. Since equestrian use cannot be proved it then follows that the site cannot be within the curtilage of the stables and therefore cannot be PDL.
- j. Capable agricultural land should be retained.

## APPENDIX 1

### Google Earth

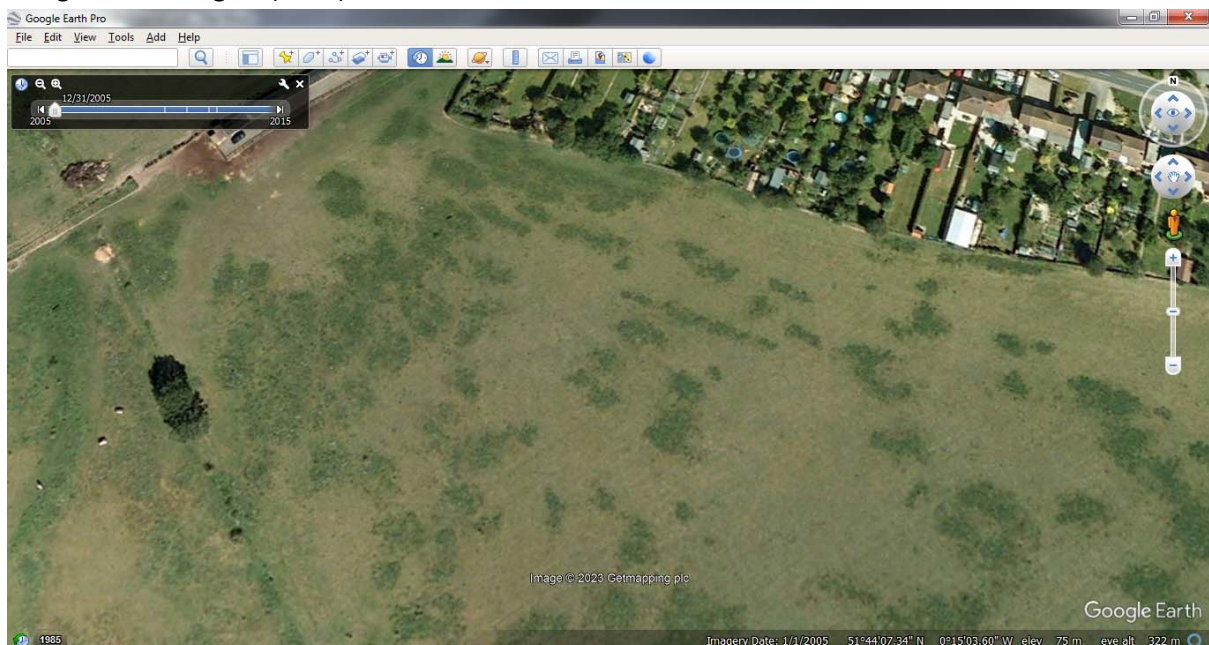
The following 15 images are a complete set of images available for the site dating from 2000.

#### Google Earth image 1 (2000)



No horses can be seen grazing. No sign of riding activity (no worn tracks, no jumps etc)

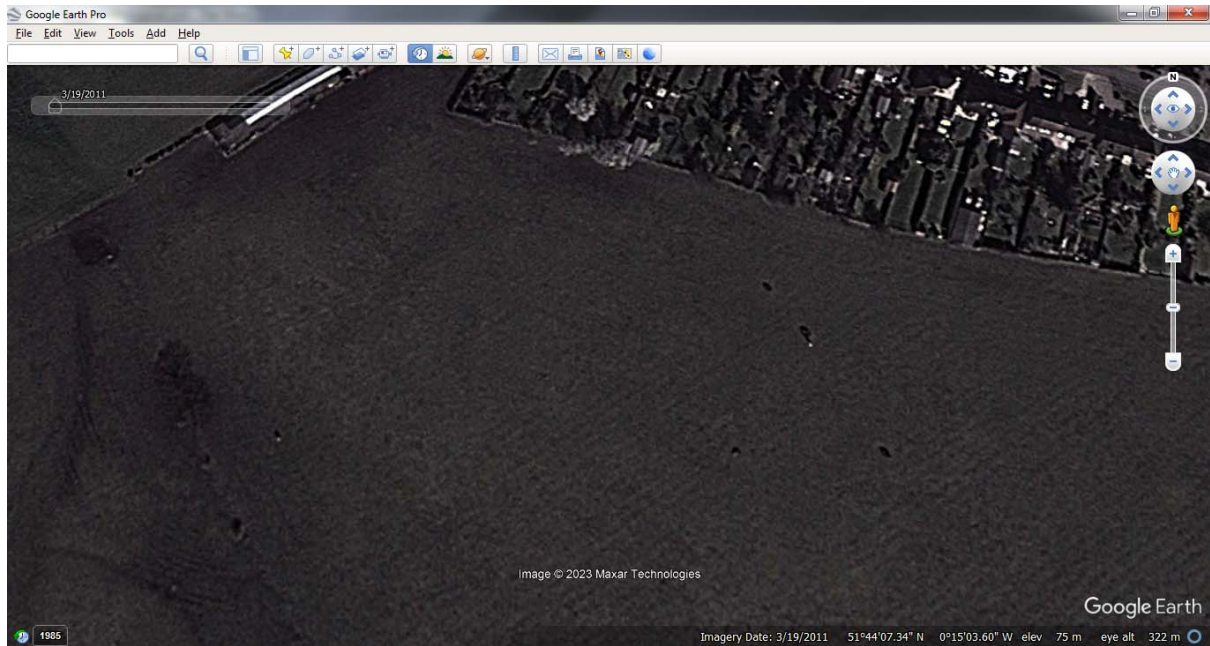
#### Google Earth image 2 (2005)



Horses can possibly be seen grazing in the lower meadow. No sign of riding activity (no worn tracks, no jumps etc)

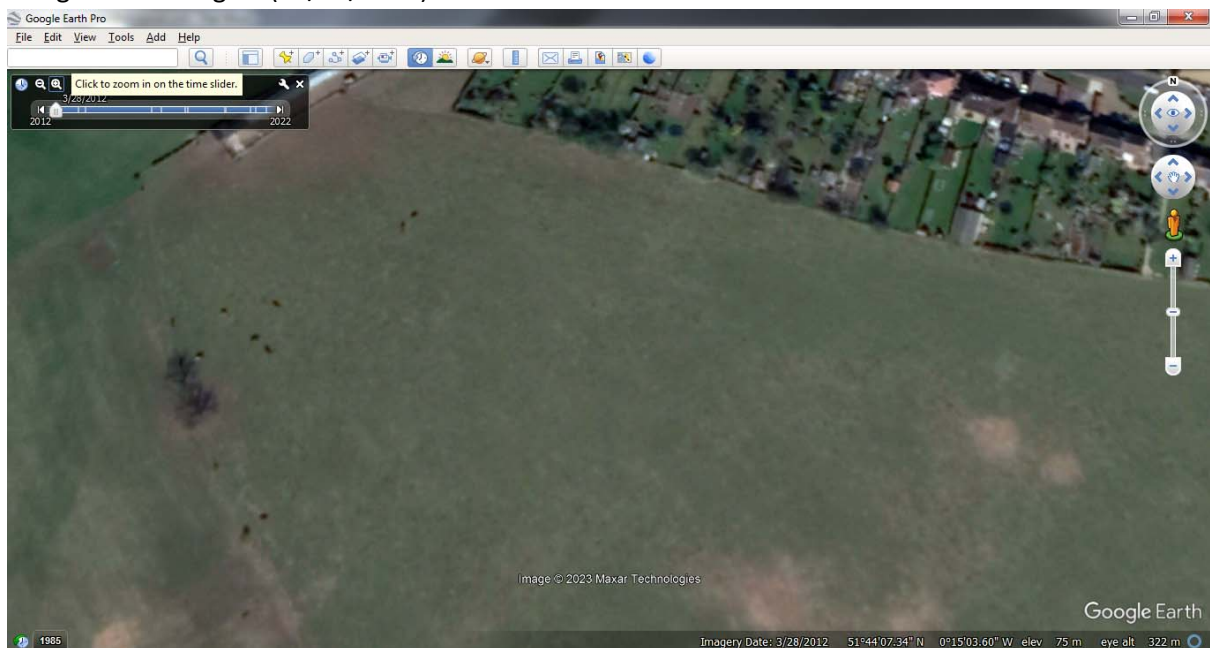


### Google Earth image 3 (19/03/2011)



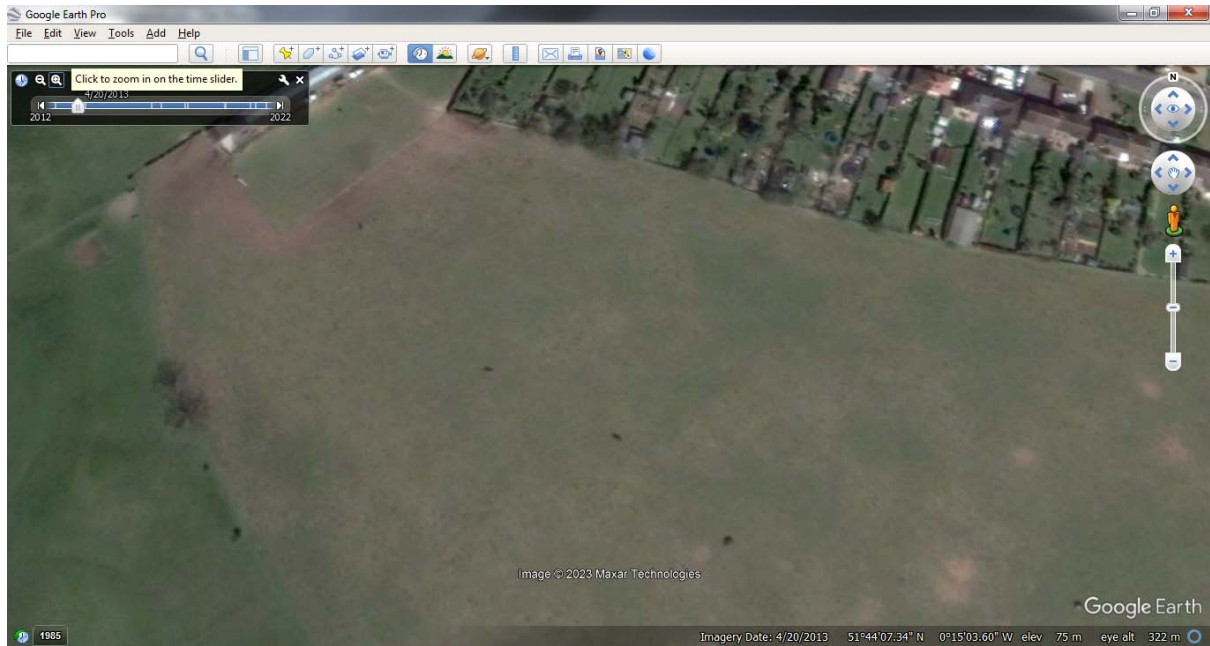
Horses grazing. No sign of riding activity (no worn tracks, no jumps etc)

### Google Earth image 4 (28/03/2012)



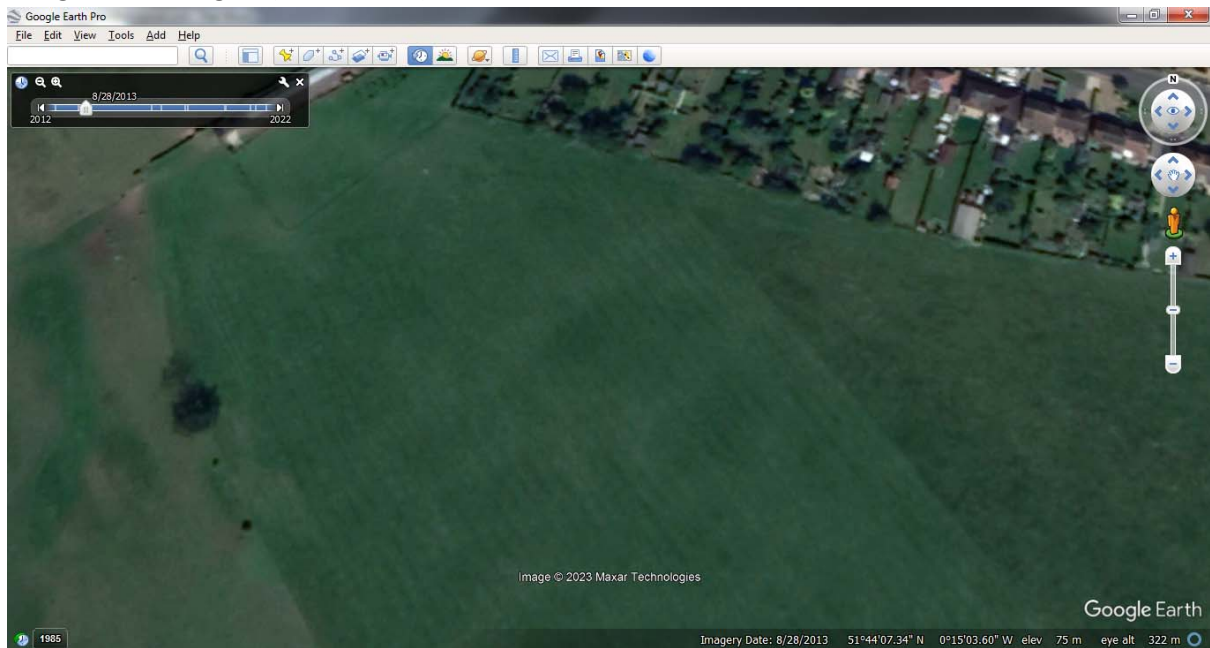
Horses grazing. No sign of riding activity (no worn tracks, no jumps etc)

### Google Earth image 5 (20/04/2013)



Horses grazing. No sign of riding activity (no worn tracks, no jumps etc)

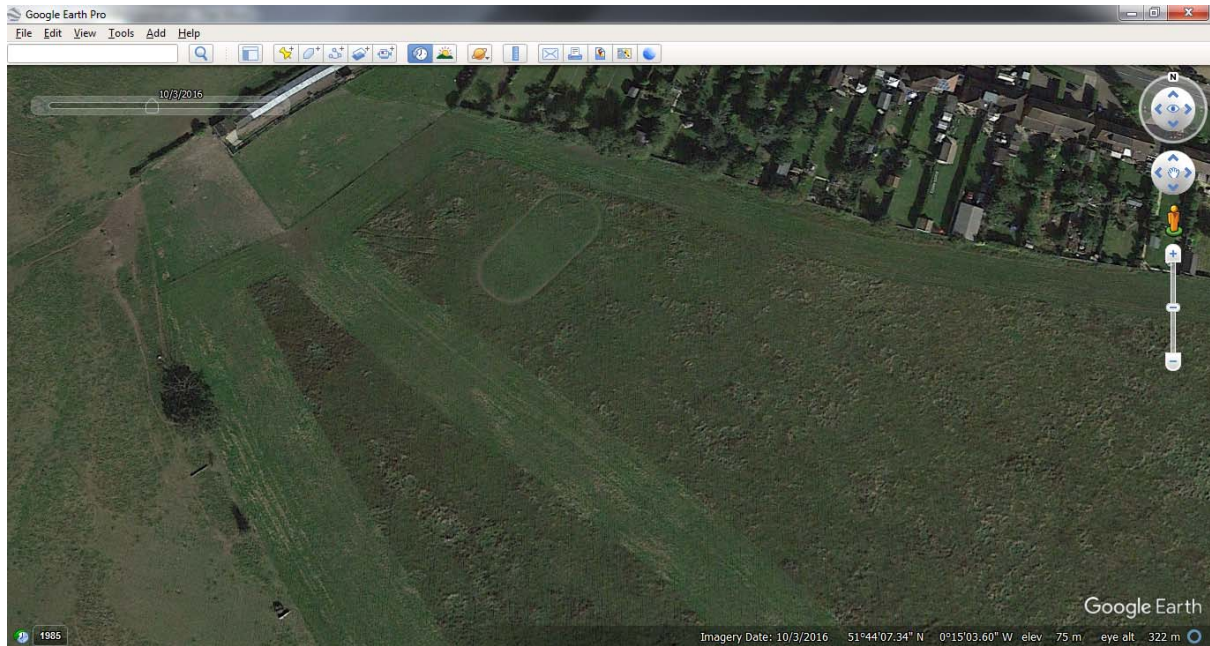
### Google Earth image 6 (28/08/2013)



Summer - No evidence of horses grazing. No sign of riding activity (worn tracks, jumps etc)

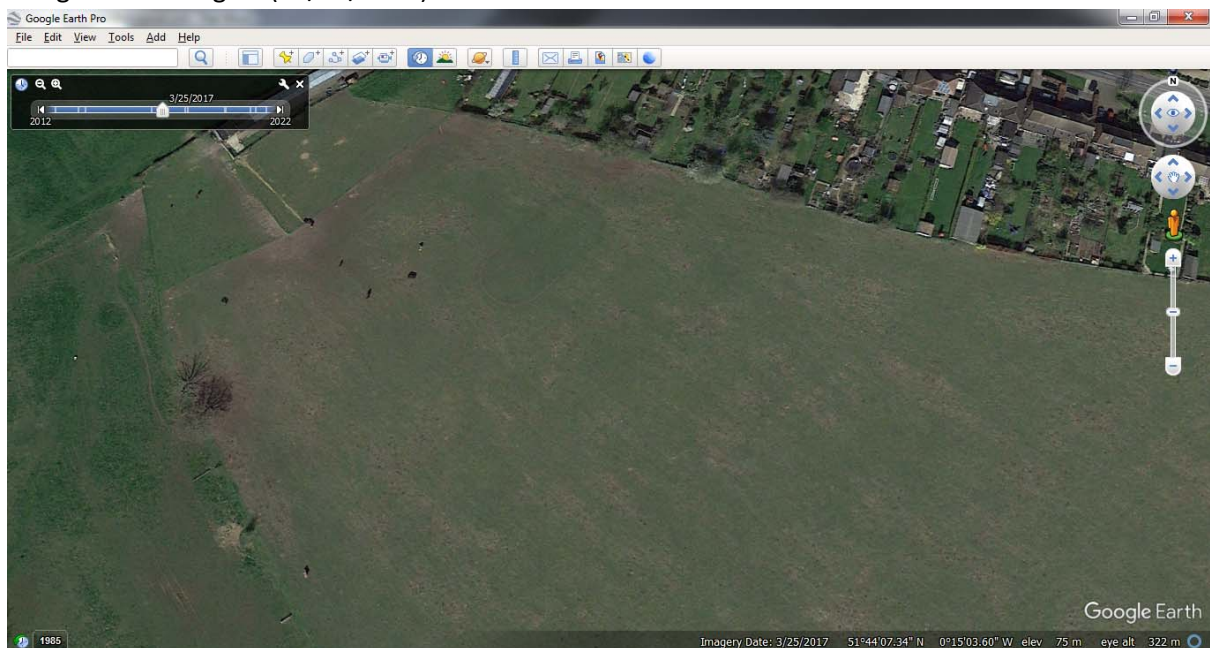


### Google Earth image 7 (03/10/2016)



Summer - No evidence of horses grazing. An oval tracked area can be seen but no jumps

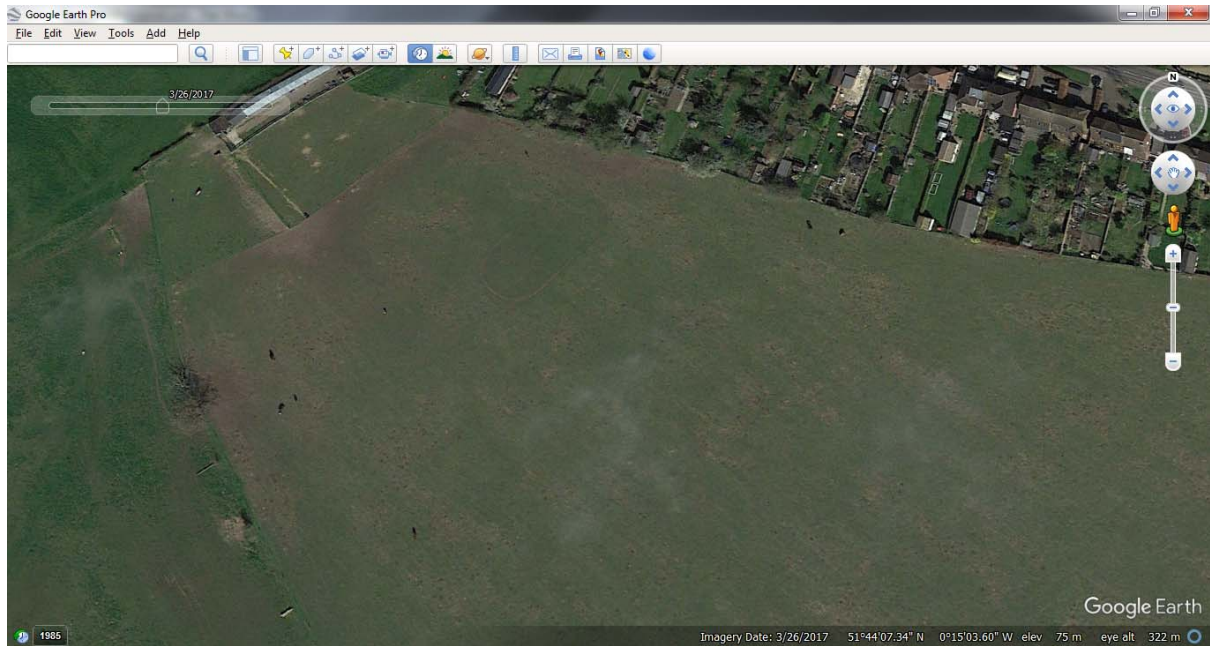
### Google Earth image 8 (25/03/2017)



Horses grazing. The remains of the disused oval area can just be seen. No jumps

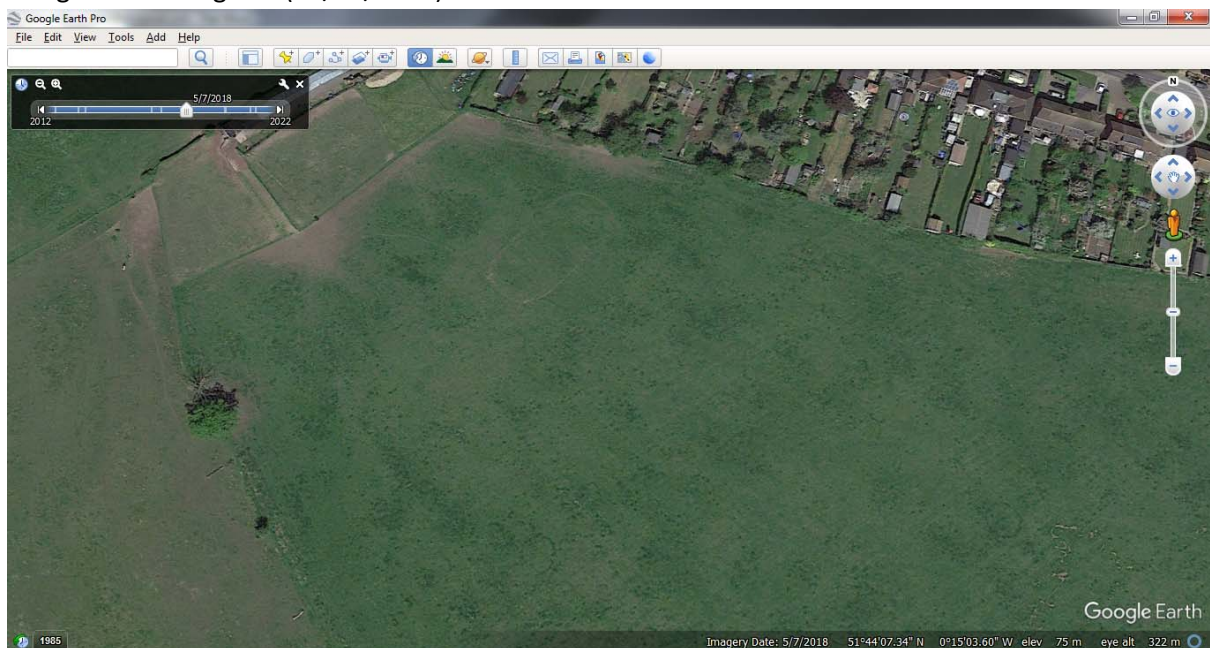


### Google Earth image 9 (26/03/2017)



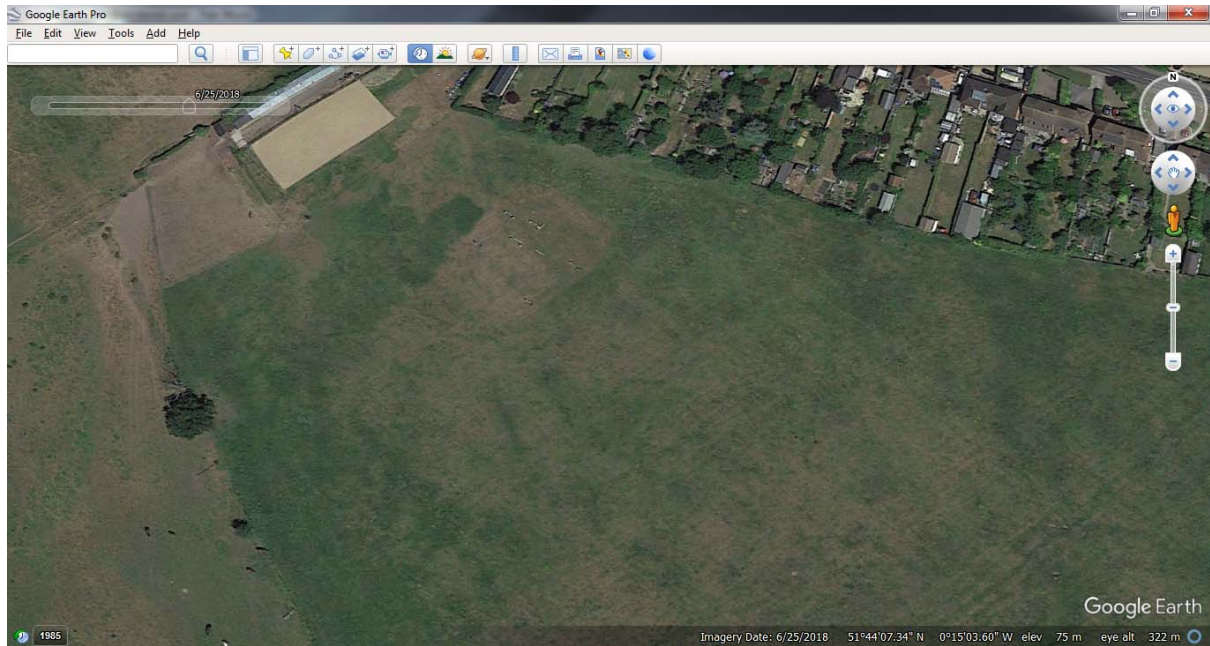
Horses grazing. The remains of the disused oval area can just be seen. No jumps

### Google Earth image 10 (07/05/2018)



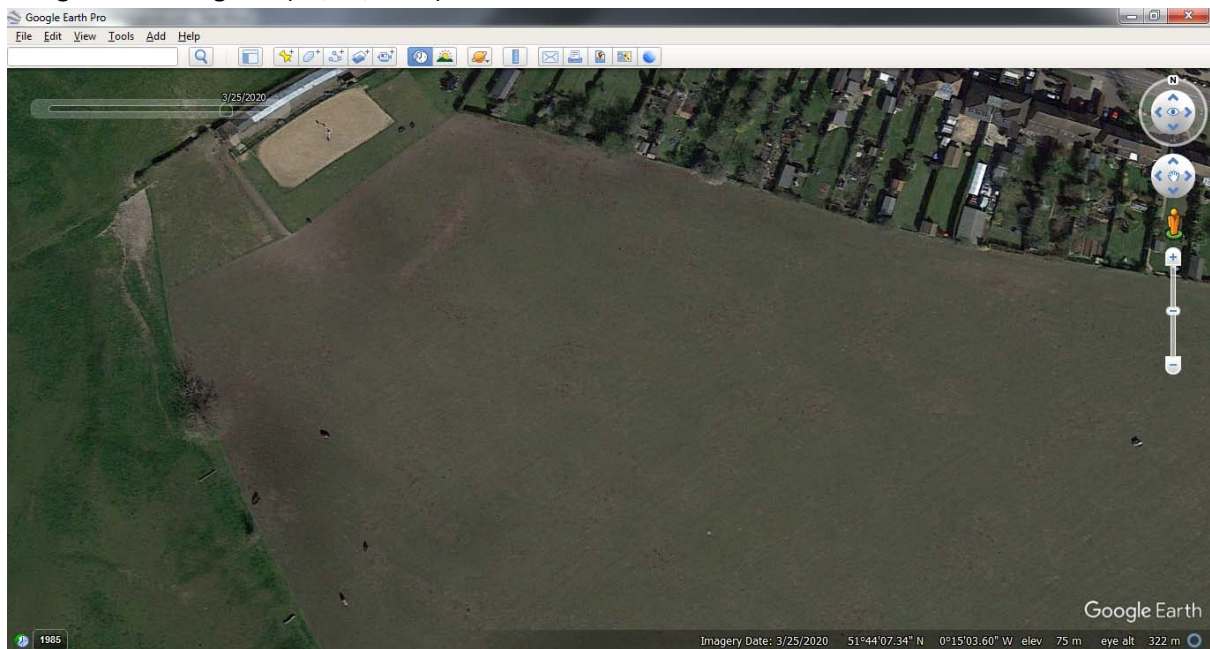
Summer - No evidence of horses grazing. An oval tracked area can be seen but no jumps

### Google Earth image 11 (25/06/2018)



Summer - No evidence of horses grazing. A manège can now be seen but no evidence of planning permission being sought or approved can be found on the SADC planning portal. Jumps

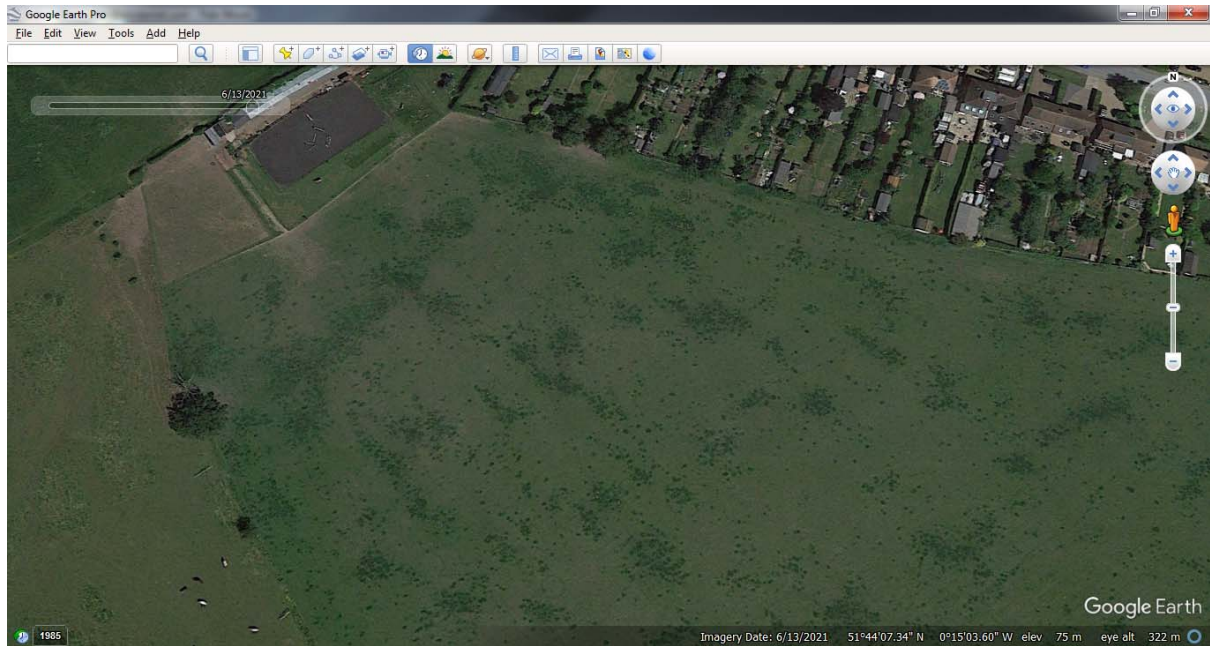
### Google Earth image 12 (25/03/2020)



Horses grazing. A manège can now be seen but no evidence of planning permission being sought or approved can be found on the SADC planning portal. No jumps

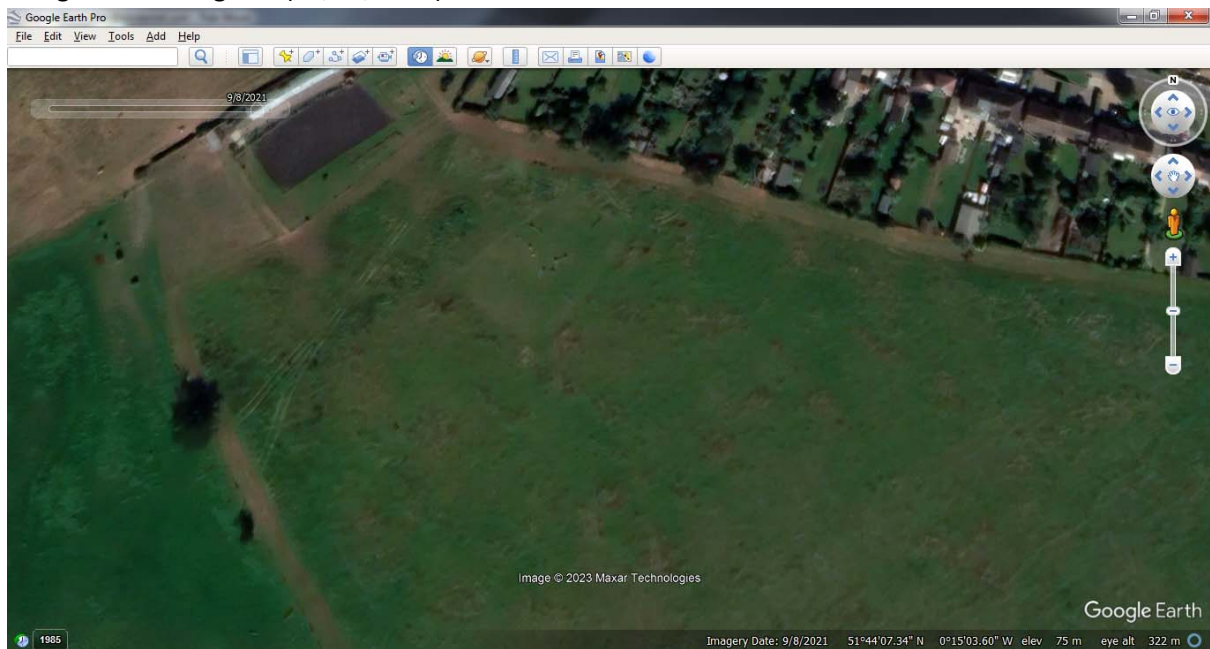


### Google Earth image 13 (13/06/2021)



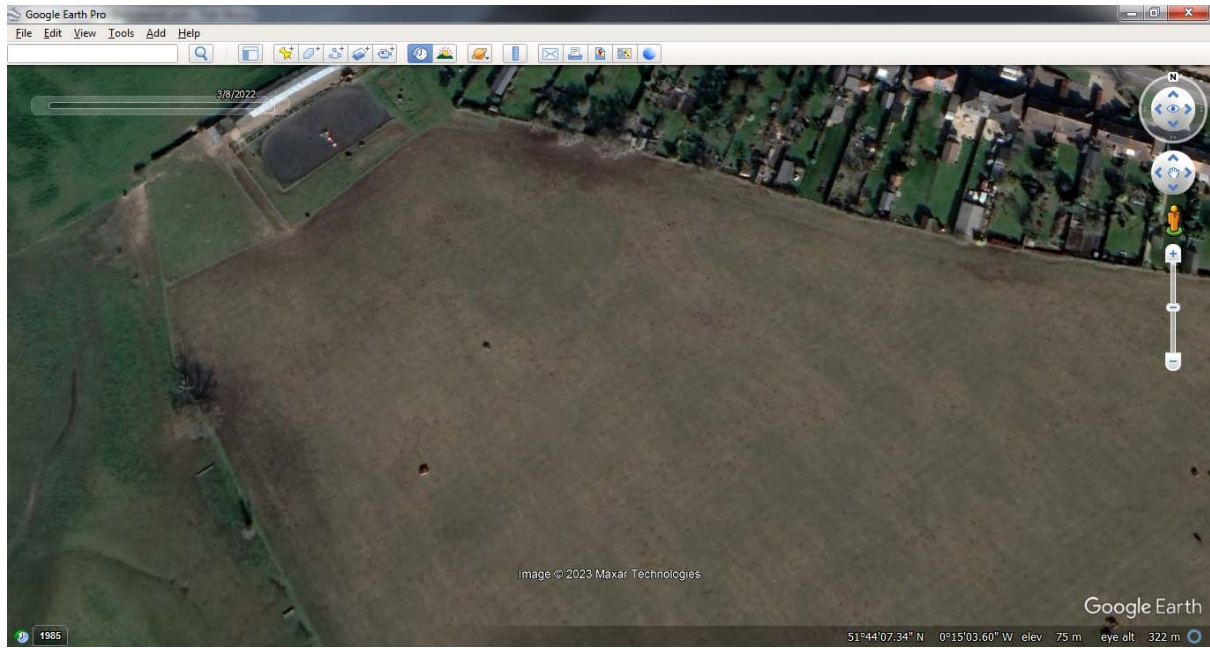
Horses grazing in the lower meadow. A manège can now be seen but no evidence of planning permission being sought or approved can be found on the SADC planning portal. No jumps

### Google Earth image 14 (08/09/2021)



Summer - No evidence of horses grazing. A manège can now be seen but no evidence of planning permission being sought or approved can be found on the SADC planning portal. Jumps

## Google Earth image 15 (08/03/2022)



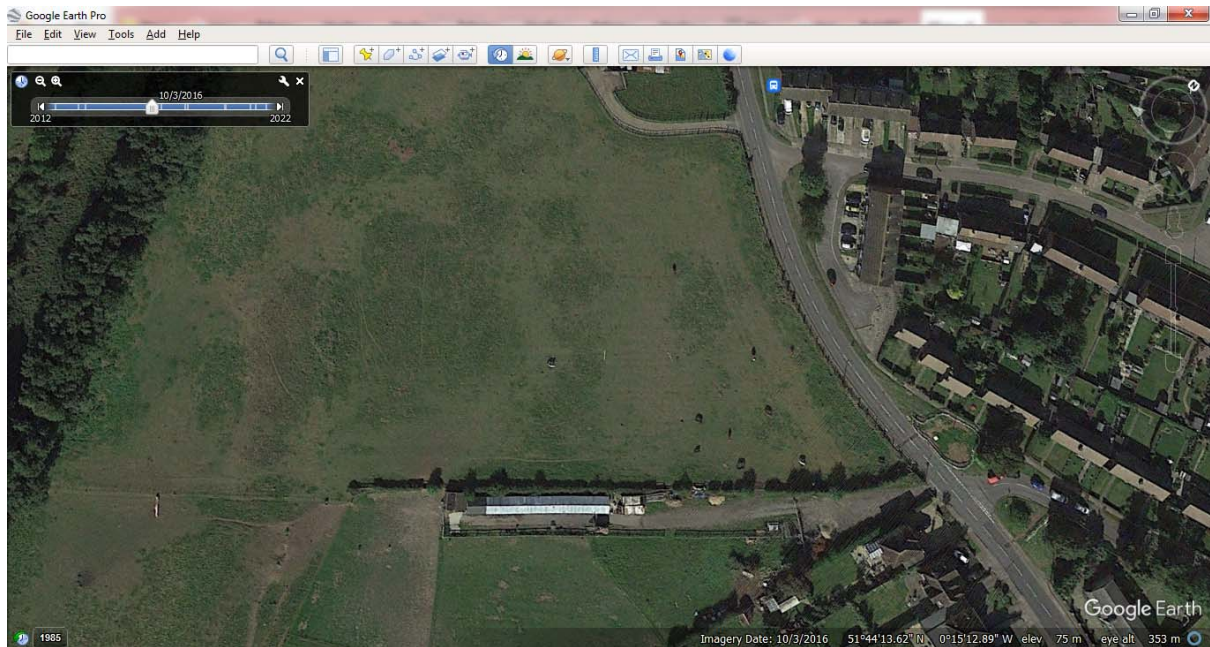
Horses grazing. A manège can now be seen but no evidence of planning permission being sought or approved can be found on the SADC planning portal. No jumps



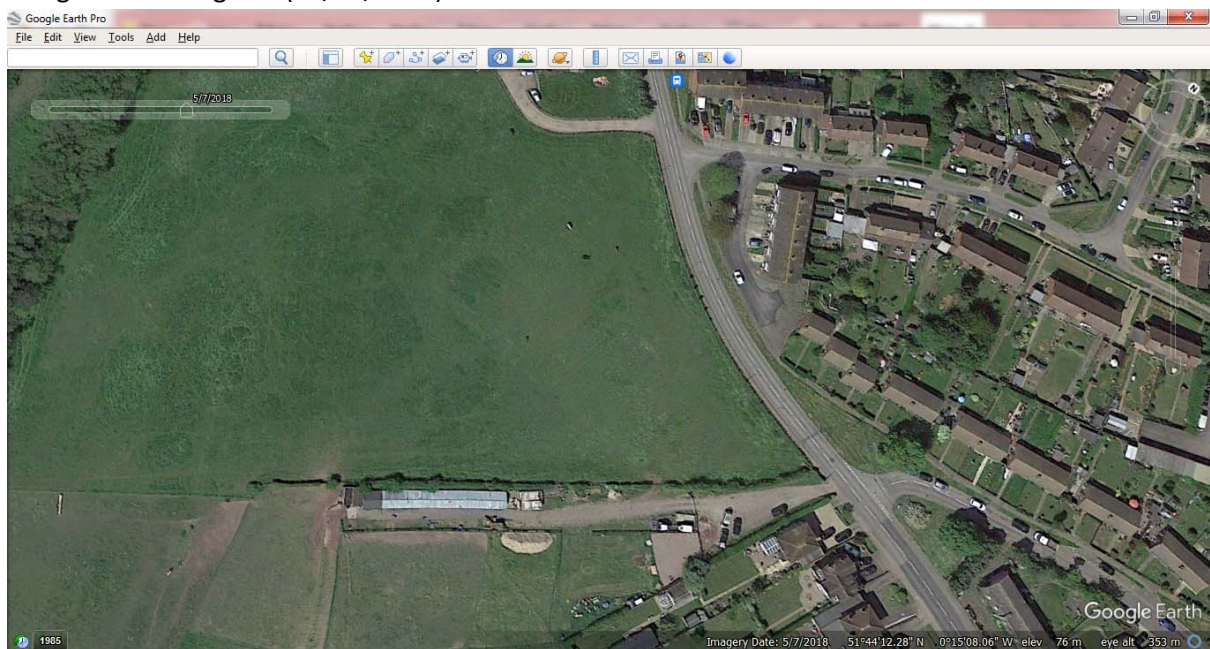
## APPENDIX 2

The following 3 Google Earth images show the horses grazing on the adjacent but unconnected field (Field C) during the summer months:

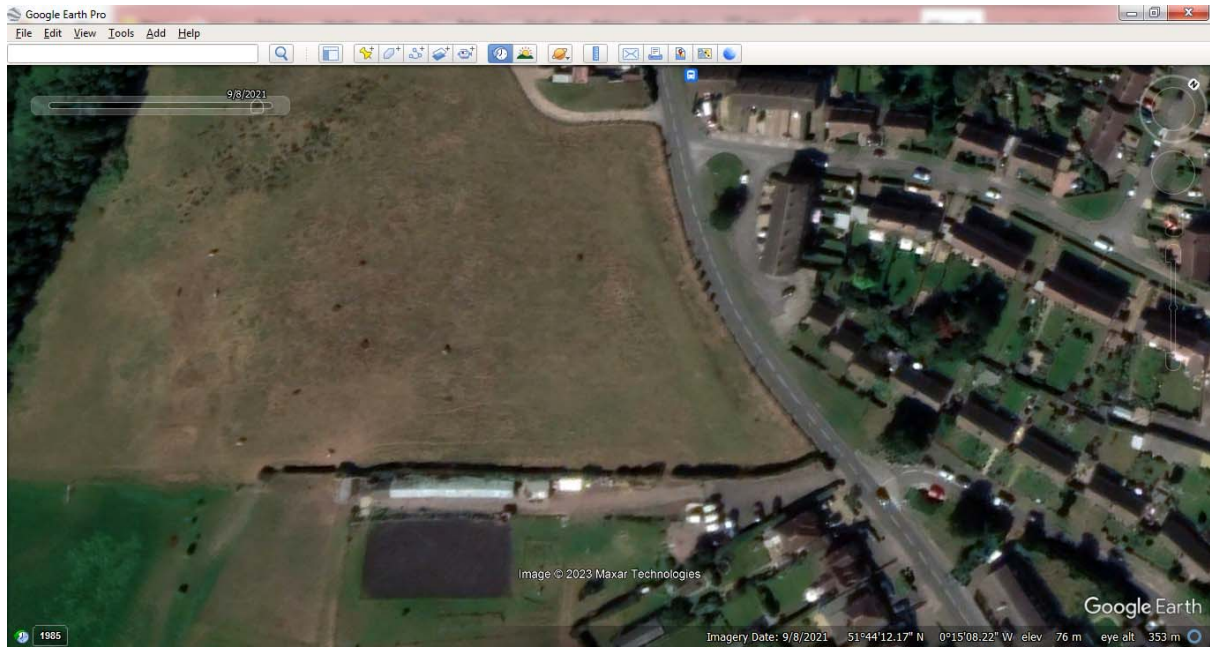
Google Earth image 16 (03/10/2016)



Google Earth image 17 (07/05/2018)



# Google Earth image 18 (08/09/2021)



### APPENDIX 3

Despite the fact that we argue that the Appeal site does not have equestrian use and therefore the issue of curtilage and PDL is not relevant, the issue of curtilage is addressed below for clarity.

Clearly each Appeal site must be considered on its own merits. The Appeal decisions listed below and quoted by the Appellant at 7.9 in their Statement of Case could be considered to be on a different scale and so it is not clear that a direct comparison to the current Appeal can be made. The current appeal is for 150 dwellings on 7.8 hectares

Appeal Ref: APP/Y0435/W/17/3178790 – 14 dwellings on 0.9 hectares

Appeal Ref: APP/D3125/W/19/3235474 – 4 dwellings on 0.4 hectares

Appeal Ref: APP/V1505/W/22/3296116 – 47 dwellings on 1.45 hectares

At least one of these sites had a Certificate of Lawfulness relating to equestrian use already in place. The Appeal site does not.

Another had “developed stables and other buildings” with “the paddocks themselves including some built form”. The Appeal site has no other buildings, there is no built form on the fields relating to the Appeal site and the manège does not appear to have planning permission and has only been on site for 5 years. The stable block allowed in 1996 was only for one building to include 7 stables and associated storage, so not an extensive building.

The third Appeal site whilst found to be “within the curtilage of the manège and stable building” had a maximum size of just 0.9 hectares compared to the 7.8 hectares of this Appeal.

The relevant case law quoted by the Appellant at 7.11 in their Statement of Case can be of use in considering the issues above (*Challenge Fencing Ltd v SSHCLG and Elmbridge Borough Council* [2019] EWHC 553 (Admin)).

The following quotes from Mrs Justice Lieven may prove useful in understanding the issue of curtilage.

“The extent of the curtilage of a building is a question of fact and degree, and therefore it must be a matter for the decision-maker, subject to the normal principles of public law”

“The three Stephenson factors must be taken into account;

- a) Physical layout;
- b) The ownership past and present;
- c) The use or function of the land or buildings, past and present.”

“A curtilage does not have to be small, but that does not mean that the relative size between the building and its claimed curtilage is not a relevant consideration. Skerritts p.67”



“Whether a piece of land (or another building) falls within the curtilage of a building will necessarily involve considerations of physical layout, scale and evidence on the nature of the uses”

“I do not accept that the lawfulness of either the uses or the buildings is necessarily irrelevant to judgements about the curtilage. What is, or is not, lawful is part of the planning history of the site and may well go to how the site was used, and therefore be relevant to the third Calderdale (Stephenson) factor. All will depend on the circumstances of an individual case”

“There is no dispute that the burden was on the Appellant to satisfy the Inspector that the development was lawful”

“There is no error in law in the Inspector taking into account the fact that Building A is a small building, and the curtilage being claimed is an extensive one”

“There may well be situations where the planning unit is different (and almost certainly larger) than the curtilage of the building. The two concepts are not the same, and many of the factors that go into defining the planning unit will not apply to determining curtilage.”

It is clear therefore that the planning history of the Appeal site must be taken into account ie. that lawful equestrian use for 10 years has not been proven. It is also clear that the physical layout of the site must be taken into account ie. one modest stable block within an extensive planning unit. It is also necessary to consider the relative size between the building and its claimed curtilage which is a question of fact and degree.

Mrs Justice Lieven also states that “There is extensive case law on the legal approach to the decision as to what is the curtilage of a building. Most if not all of this case law concerns the curtilage of listed buildings.” Since the case she was dealing with related to an industrial building she then says “that slightly varied considerations may be in play when considering the curtilage of an industrial building”. It is to be assumed that varied considerations may also be in play when considering the curtilage of an equestrian building and so the case law quoted here by the Appellant may or may not be actually relevant to the Appeal site.

## **APPENDIX 4**

### **STATEMENTS OF TRUTH**

12 Statements of Truth are provided by residents who live in adjoining properties which back onto and look out over the site. The residents have lived on Tollgate Road for between 9 years and 10 months and 42 years. Each property has a slightly different view. The following points are confirmed:

- The horses on the Appeal site graze Field A in the winter (approximately mid-October to end April) each year
- The horses also graze on Field B for about 2 to 3 months a year
- For the remaining 2 to 3 months each and every year the horses have been moved onto Field C which is not part of the Appeal site
- Field C cannot be seen from their houses but is very clearly seen from Tollgate Road
- Horses have not been seen being ridden on Field A from mid-October to April each year when they are actually grazing the field
- Horses have not been seen being ridden on Field B from mid-October to April each year
- Prior to the manège being built in 2018 the horses were seen being exercised during the winter months in Field C
- During the time the horses are grazing on Field A and Field B they are rarely seen to be given any additional food in the field except in freezing weather conditions
- There is no evidence of hay feeders, feed buckets etc to be seen in Field A or Field B

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Lesley Bloomfield of Bluebell Cottage, Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at Bluebell Cottage for 33 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my field which has a direct boundary with Field A and Field B. This boundary runs for approximately 340m along the complete length of the South Eastern edge of the Appeal site.

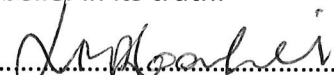
The fence between the two fields is a 4ft high post and wire fence. There is some limited hedging along the fence line but I have a very clear view of the whole site. I walk along the boundary most days. I usually go backwards and forwards most days from my house to the field caring for my animals and the field itself.

I can confirm that in the time I have lived at Bluebell Cottage the horses on the Appeal site have only grazed Field A in the winter months (from about mid-October to end April) each year. They also graze Field B for 2 to 3 months each year. For the remaining 2 to 3 months each year the horses are not seen on Field A or Field B but are seen to be grazed on an adjoining field (Field C) which is not part of the Appeal site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading in the direction of the roundabout with the High Street and Coursers Road.

I can confirm that during the time that the horses graze Field A (from mid-October to April) I have not seen horses being ridden or exercised on this field at the same time. I have also not seen horses being ridden in Field B during those same winter months. I can see the manège from my boundary. Prior to the manège being built in 2018 the horses could be seen being ridden or exercised during the winter months in the adjoining Field C.

I can confirm that when being grazed on Field A and Field B the horses are rarely seen to be given any additional food on the field. Occasionally when there was a layer of snow on the ground or there was a prolonged frozen period some hay was seen to be provided, but generally there is no evidence of hay piles, hay feeders or feed buckets in the fields.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed..........

Date.....20/8/23.....

Name.....LESLEY BLOOMFIELD.....



**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, GEOFFREY KEEN of 72 Tollgate Road, Colney Heath  
make this statement concerning the Land to the Rear of 42-100 Tollgate Road,  
Colney Heath.

I have lived at 72 Tollgate Road for 35 years. I have a clear view of the Land  
to the Rear of 42-100 Tollgate Road from my TOP FLOOR ROOM

I can confirm that in the time I have lived at my current address the horses have  
only grazed Field A in the winter months (from about mid-October to end  
April). I also have a view of Field B from my loft conversion and I can confirm  
that it is grazed for an additional 2 to 3 months a year. For the remaining 2 to 3  
months of each and every year the horses are not seen on Field A or Field B but  
are seen to be grazed on an adjoining field (Field C) which is not part of the site.  
This field cannot be seen from my house but is clearly seen from Tollgate Road  
when heading away from my house and in the direction of the roundabout with  
the High Street and Coursers Road.

I believe the facts and matters contained in this statement are true. I understand  
that proceedings for contempt of court may be brought against anyone who  
makes, or causes to be made, a false statement in a document verified by a  
statement of truth without an honest belief in its truth.

Signed.....JK.....  
Date.....20.08.2023.....  
Name.....GEOFFREY KEEN.....

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Charles Todman of 58 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.


I have lived at 58 Tollgate Road for 20 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my garden, upstairs bedrooms and kitchen.

I can confirm that in the time I have lived at my current address the horses have only grazed the main field (Field A) in the winter months (from about mid-October to end April). For about 2 to 3 months each year the horses are not seen on the field but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly visible from Tollgate Road when travelling by car or on the footpath in both directions.

I can confirm that whilst the horses graze Field A from mid-October to April no horses have been seen to be ridden or exercised on this field. Prior to the manège being built in 2018 the horses could be seen being exercised during the winter months in the adjoining field (Field C) which is not part of the site.

I can confirm that when being kept on the fields which are the subject of this application the horses are rarely seen to be given any additional food, only occasionally when there was a layer of snow on the ground or there was a prolonged frozen period was hay seen to be provided.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Date.....19.08.2023

Name.....CHARLES TODMAN

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Marianne Davies of 50 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 50 Tollgate Road for 25 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my garden and my bedroom.

I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). For about 2 to 3 months each year the horses are not seen on Field A but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading in the direction of the roundabout with the High Street and Coursers Road.

I can confirm that during the time that the horses graze Field A, from mid-October to April, no horses have been seen to be ridden or exercised on this field at the same time. Prior to the manège being built the horses could be seen being exercised during the winter months in Field C and so away from the Appeal site.

I can confirm that when being kept on the fields which are the subject of this application the horses are rarely seen to be given any additional food, only occasionally when there was a layer of snow on the ground or there was a prolonged frozen period was some hay seen to be provided.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....*M Davies*.....

Date.....*20 Jan 2023*.....

Name.....*MARIANNE DAVIES*.....



**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Brian Lee of 60 Tollgate Road, Colney Heath  
make this statement concerning the Land to the Rear of 42-100 Tollgate Road,  
Colney Heath.

I have lived at 60 Tollgate Road for 42 years. I have a clear view of the Land  
to the Rear of 42-100 Tollgate Road from my Garage & Loft Conversion

I can confirm that in the time I have lived at my current address the horses  
have only grazed Field A in the winter months (from about mid-October to end  
April). I also have a view of Field B from my loft conversion and I can confirm  
that it is grazed for an additional 2 to 3 months a year. For the remaining 2 to 3  
months of each and every year the horses are not seen on Field A or Field B  
but are seen to be grazed on an adjoining field (Field C) which is not part of the  
site. This field cannot be seen from my house but is clearly seen from Tollgate  
Road when heading away from my house and in the direction of the  
roundabout with the High Street and Coursers Road.

I believe the facts and matters contained in this statement are true. I  
understand that proceedings for contempt of court may be brought against  
anyone who makes, or causes to be made, a false statement in a document  
verified by a statement of truth without an honest belief in its truth.

Signed.....Brian Lee.....

Date.....20/8/2023.....

Name.....BRIAN LEE.....



**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Alan Taylor of 54 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 54 Tollgate Road for nearly 10 years since October 2013. I have a clear view of the Appeal Site land from my garden and my bedroom window.

I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). I also have a view of Field B from my bedroom window and I can confirm that it is grazed for an additional 2 to 3 months a year. For the remaining 2 to 3 months of each and every year the horses are not seen on Field A or Field B but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading away from my house and in the direction of the roundabout with the High Street and Coursers Road.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed..... *Alan Taylor* .....  
Date..... *20-8-23* .....  
Name..... *Alan Taylor* .....

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Anthony Davies of 50 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 50 Tollgate Road for over 30 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my bedroom.

I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). For about 2 to 3 months each year the horses are not seen on Field A but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading in the direction of the roundabout with the High Street and Coursers Road.

I can confirm that during the time that the horses graze Field A, from mid-October to April, no horses have been seen to be ridden or exercised on this field at the same time. Prior to the manège being built the horses could be seen being exercised during the winter months in Field C and so away from the Appeal site.

I can confirm that when being kept on the fields which are the subject of this application the horses are rarely seen to be given any additional food, only occasionally when there was a layer of snow on the ground or there was a prolonged frozen period was some hay seen to be provided.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Date.....20. 8. 23

Name.....ANTHONY DAVIES

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Elizabeth Clarke of 64 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 64 Tollgate Road for 32 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my house and garden

I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). For about 2 to 3 months each year the horses are not seen on Field A but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading in the direction of the roundabout with the High Street and Coursers Road where I walk daily.

I can confirm that during the time that the horses graze Field A, from mid-October to April, no horses have been seen to be ridden or exercised on this field at the same time. Prior to the manège being built in 2018, the horses could be seen being exercised during the winter months in Field C and so away from the Appeal site.

I can confirm that when being kept on the fields which are the subject of this application the horses are rarely seen to be given any additional food, only occasionally when there was a layer of snow on the ground or there was a prolonged frozen period was some hay seen to be provided.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Date 19<sup>th</sup> August 2023

Name Elizabeth Clarke



**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Karen Todman of 58 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 58 Tollgate Road for 20 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my garden, upstairs bedrooms and kitchen.

I can confirm that in the time I have lived at my current address the horses have only grazed the main field (Field A) in the winter months (from about mid-October to end April). For about 2 to 3 months each year the horses are not seen on the field but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly visible from Tollgate Road when travelling by car or on the footpath in both directions.

I can confirm that whilst the horses graze Field A from mid-October to April no horses have been seen to be ridden or exercised on this field. Prior to the manège being built in 2018 the horses could be seen being exercised during the winter months in the adjoining field (Field C) which is not part of the site.

I can confirm that when being kept on the fields which are the subject of this application the horses are rarely seen to be given any additional food, only occasionally when there was a layer of snow on the ground or there was a prolonged frozen period was hay seen to be provided.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....*K Todman*.....

Date.....*19/08/2023*.....

Name.....*K. TODMAN*.....



**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Sue Slingsby of 54 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 54 Tollgate Road for nearly 10 years since October 2013. I have a clear view of the Appeal Site land from my garden and my bedroom window.

I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). I also have a view of Field B from my bedroom window and I can confirm that it is grazed for an additional 2 to 3 months a year. For the remaining 2 to 3 months of each and every year the horses are not seen on Field A or Field B but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading away from my house and in the direction of the roundabout with the High Street and Coursers Road.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed... *Sue Slingsby* .....

Date... *20<sup>th</sup> August 2023* .....

Name... *SUSAN SLINGSBY* .....

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I, Susan Keen of 72 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 72 Tollgate Road for 35 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from my Top Floor Room. I can confirm that in the time I have lived at my current address the horses have only grazed Field A in the winter months (from about mid-October to end April). I also have a view of Field B from my loft conversion and I can confirm that it is grazed for an additional 2 to 3 months a year. For the remaining 2 to 3 months of each and every year the horses are not seen on Field A or Field B but are seen to be grazed on an adjoining field (Field C) which is not part of the site. This field cannot be seen from my house but is clearly seen from Tollgate Road when heading away from my house and in the direction of the roundabout with the High Street and Coursers Road.

I believe the facts and matters contained in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....Susan Keen.....  
Date.....20/08/2023.....  
Name.....Susan Keen.....

**IN THE MATTER OF LAWFUL EQUESTRIAN USE at  
Land to the Rear of 42-100 Tollgate Road, Colney Heath**

I Lynn Skelt of 44 Tollgate Road, Colney Heath make this statement concerning the Land to the Rear of 42-100 Tollgate Road, Colney Heath.

I have lived at 44 Tollgate Road for 32 years. I have a clear view of the Land to the Rear of 42-100 Tollgate Road from both our rear upper floor windows and our rear garden.

I can confirm that in the time I have lived at my current address, the horses have only grazed in the main field (Field A) in the winter months, from about mid-October to around Easter. Occasionally we are able to see the horses further down the field (Field B). For the summer months, the horses are moved every year from the site (Fields A and B) into an adjacent field (Field C) which is not part of this site. I cannot see field C from my home or garden, but this field is clearly visible from Tollgate Road if heading by car or on the footpath towards the roundabout with the High Street.

I can confirm that whilst the horses are seen to graze in Field A from approximately October to Easter, I have not seen any horses ridden or exercised on either Field A or Field B at this time. Prior to the manege being built a few years ago, the horses could occasionally be seen being exercised during the winter months in the adjoining field (Field C) which is not part of this site.

I can confirm that when being kept on the fields which are the subject of this application, the horses were very rarely seen to be given any additional food. The only food I have seen given is occasionally when there was a layer of snow on the ground, or there was a prolonged, frozen period, then the horses were given some hay.

I believe the facts and matters contained in this statement are true.

I understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made a false statement in a document verified by a statement of truth, without an honest belief in its truth.

Signed Lynn Skelt

Date 20 August 2023

Name Lynn Skelt