

BHS Guidance Note

An introduction to the planning system

This guidance is applicable to England

AN INTRODUCTORY GUIDE TO THE PLANNING SYSTEM AND COMMENTING ON PLANNING APPLICATIONS

This guidance is applicable to England

FOR BRITISH HORSE SOCIETY ACCESS OFFICERS

November 2025

INTRODUCTION

This document has been prepared to provide an overview of the planning system, planning policies and relevant case law for British Horse Society (BHS) Access Volunteers in England to use when reviewing and assessing planning applications with a view to securing and improving rights of way access for horses.

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The document was correct at the time of publication, but it is important that it is subject to regular review to ensure it provides the latest information, case law and policy references.



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1. UNDERSTANDING PLANNING STRUCTURE

The following section sets out the hierarchy of planning structure in England.

Central Government – The Secretary of State oversees the planning system's legal framework. Sets national planning policy and guidance. Oversees the adoption of Local Plans through the Planning Inspectorate. Determines certain 'called-in' applications and appeals (usually developments which impact on nationally important policies, developments or infrastructure). Determines NSIPs (Nationally Significant Infrastructure Projects) through the Development Consent Order process, taking account of the Planning Inspector's recommendation when issuing their final decision.

Combined Authorities – A legal partnership of local councils that work together to make strategic decisions on matters such as transport, housing, economic development etc. They are currently voluntary and can be led by an elected Mayor.

Strategic Authorities – Not currently in force but expected to be imminently. Strategic Authorities will be mandatory and will determine policies relevant for regional plan making to help improve cross-boundary development. Strategic Authorities could be existing Combined Authorities or Unitary Authorities or could be newly formed.

County Council – Concerned with county matters. Determines county applications. Prepares the Minerals and Waste Local Plan, the Local Transport Plan (LTP) and the ROWIP (Rights of Way Improvement Plan). Manages Rights of Way matters including the Definitive Map. Comments on planning applications (where consulted) to advise on the acceptability of a proposed development.

District Council – Concerned with district matters. Prepares the Local Plan and advises on and determines district planning applications. Comments on planning applications (where consulted) to advise on the acceptability of a proposed development.

Unitary Authority – Some districts operate under a Unitary Authority system which means that there is one council dealing with county and district matters.

Parish Council – Concerned with neighbourhood matters. Can prepare a Neighbourhood Development Plan. Comments on planning applications within the parish.

It is important to remember that within your area there may be multiple planning bodies, for example a combined authority, a county council and multiple district councils, so you may be needing to work with different planning bodies depending on what the proposed development is and where it is within your area.

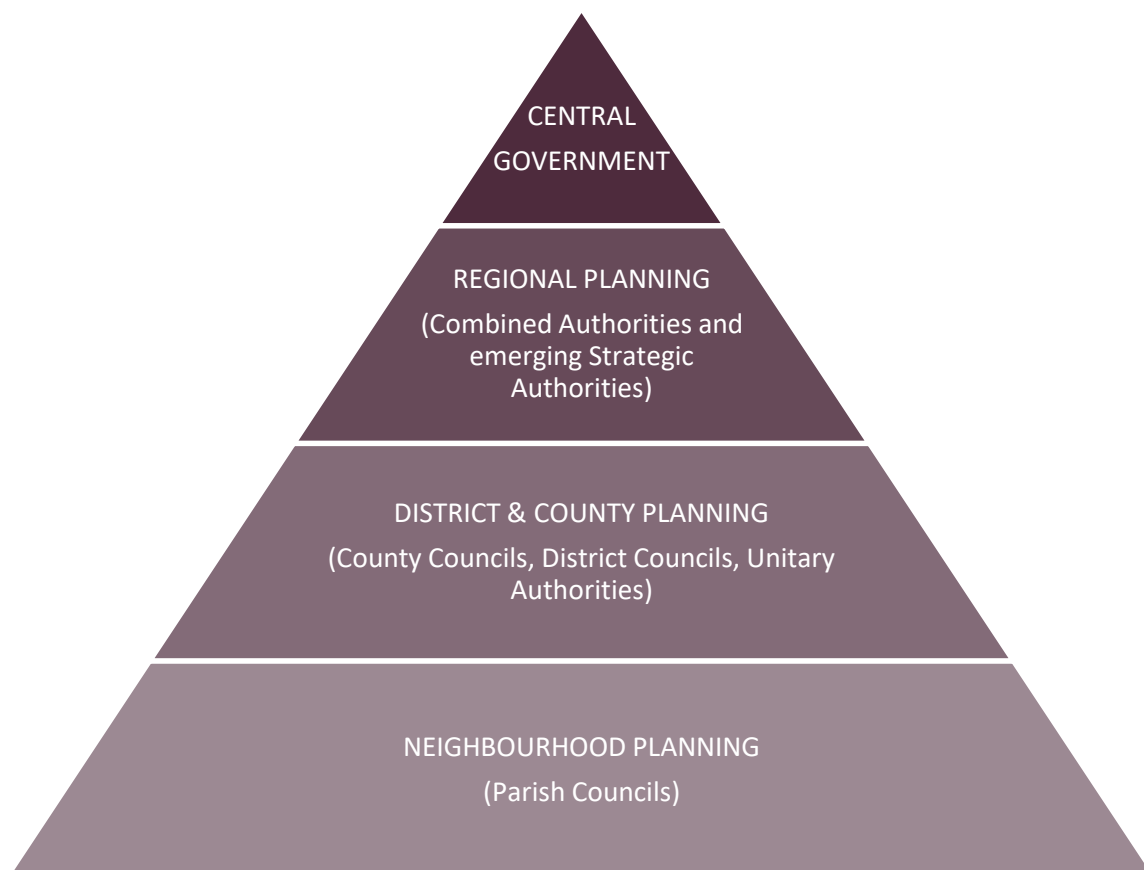


Image 1: Planning Body Structure in England

2. PLANNING POLICY DOCUMENTS

In England, there is lots of planning law, policy and guidance in force.

Acts – Acts, such as The Town and Country Planning Act and The Highways Act, are high-level statutes passed by Parliament and are legally binding. They form the legal framework within which planning decisions and policies must operate.

Regulations and Statutory Instruments – Sitting below Acts are Regulations and Statutory Instruments such as The Town and Country Planning (General Permitted Development) Order 2015. These are secondary legislation documents which provide more information on procedure and technical detail when implementing the Acts.

Development Plan – For the purposes of assessing planning applications, the Development Plan is the statutory framework (a suite of statutory plans) that sets out planning policies which should be used to decide whether planning applications should be approved or refused, unless '*material considerations*' indicate otherwise.

Statutory Plans – On a local level, the London Plan, Local Plan, Minerals and Waste Plan, Area Action Plans and Neighbourhood Development Plan policies are statutory (in the sense that the council must prepare them) and, crucially, statutory in that they also form part of the Development Plan (meaning that decisions must be made in accordance with the policies contained therein unless '*material considerations*' indicate otherwise).

Non-Statutory Plans – In addition to the statutory plans, there are other non-statutory planning documents and guidance which are '*material*' to a planning decision and therefore may have an impact on the outcome of a planning application. Confusingly, some policies are statutory in that the council is required to have them in place, but the contents of the documents are non-statutory (i.e. the policies are only '*material considerations*' and do not form part of the Development Plan).

The following section sets out the planning policy and guidance documents that we consider are most likely to be relevant for you as a BHS Access Officer and whether they are statutory or not.

Central Government Policy & Guidance

National Planning Policy Framework (NPPF) – This is a statement of national planning policy issued by the Secretary of State. It currently contains policies on both Local Plan making and decision making. Whilst it is not a statutory document, it is a '*material consideration*', meaning that its contents must be taken into account when determining a planning application and can give rise to justification to depart from policies set out in the Development Plan.

National Development Management Plans – Not yet in force but expected imminently, National Development Management Policies (NDMPs) are anticipated to contain a suite of planning policies specifically focused on decision-making only, which is known in the industry as Development Management. These policies are expected to supersede the relevant decision-making provisions

currently set out in the NPPF. This will leave the NPPF serving as guidance for Local Plan preparation only. NDMPs are intended to streamline the policies applied in decision-making, reducing the need for Local Plans to replicate policies that are broadly applicable across England. NDMPs are expected to be non-statutory but still a '*material consideration*' in the assessment of planning applications.

Planning Practice Guidance (PPG) – Sitting alongside the NPPF is the PPG. This provides guidance on how to interpret and implement planning policies set out in the NPPF. It is an extremely useful document when looking at nuances of national planning policies. Traditionally thought of as a subservient document to the NPPF, following the **Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32** judgement, it has been confirmed that not only does the PPG hold the same status as the NPPF, it has the ability to amend, add to or alter the NPPF. It is not a statutory document but is a '*material consideration*' in the determination of an application.

Regional planning policy

Combined Authority Plans – Where these are currently in force, these provide policy guidance to help enable cross boundary developments. In some instances, they are statutory and in others they are non-statutory.

Spatial Development Strategies (SDS) – Although not in force yet, SDS's are expected imminently. Their purpose will be to provide policy guidance on a regional scale to help enable cross boundary developments. It is expected that these will be statutory.

Local Planning Policy

Local Plans – Most district councils now have Local Plans. Local Plans are statutory documents and therefore form part of the Development Plan meaning decisions should be made in accordance with the Local Plan unless '*material considerations*' indicate otherwise. Importantly, Local Plans must be consistent with national policy to be found sound and to be adopted (i.e. come into force).

Structure Plans – Between 2004-2012, the Planning system operated with a Structure Plan system that included Regional Spatial Strategies (which considered matters across district boundaries) and a Local Development Framework or LDF (which were a suite of documents comprising Core Strategy, Development Plan Document Policies and other documents that set out the relevant policies for the District). Whilst most councils are now using the Local Plan system, a very small number are still using the Structure Plan system. Structure Plans were statutory documents.

Local Transport Plans – County council or unitary authorities prepare the LTP which guides investment in transport and highways. It is an important document to review so that you are aware of transport matters relevant to your local area. Importantly, whilst production of the LTP is statutory, the contents of it are not, therefore, the policies contained therein are non-statutory and are only a '*material consideration*' in the assessment of a planning application.

Rights of Way Improvement Plan – County council or unitary authorities prepares the ROWIP which seeks to improve public rights of way for all users. It is important to review this document as it will contain key information about rights of way in your area. As with the LTP, it is important to note that whilst there is a statutory duty placed upon the council to prepare a ROWIP, the contents of the ROWIP itself are non-statutory, meaning that the ROWIP holds only '*material*', not statutory, weight when determining a planning application.

Neighbourhood Planning Policy

Neighbourhood Development Plans – Prepared by individual parishes, these set out relevant policies for their parish. They can also allocate additional land beyond that allocated within the Local Plan for development. Neighbourhood Development Plans are statutory documents. However, as with Local Plans, to be adopted, Neighbourhood Development Plans must align with the principles of NPPF policy.

Planning Policy Structure

A simplified visual of planning policy structure is set out below.

The documents highlighted in **RED** are those that are included in the Development Plan (i.e. are statutory documents upon which planning applications should be determined unless there are '*material considerations*' indicating otherwise).

The documents highlighted in **AMBER** are those which may be statutory (and therefore form part of the Development Plan) but which may be non-statutory (and therefore are '*material considerations*' only).

The documents highlighted in **BLACK** are those that are '*material considerations*' only and do not form part of the Development Plan.

The diagram shows that currently, we have a locally-led planning system.

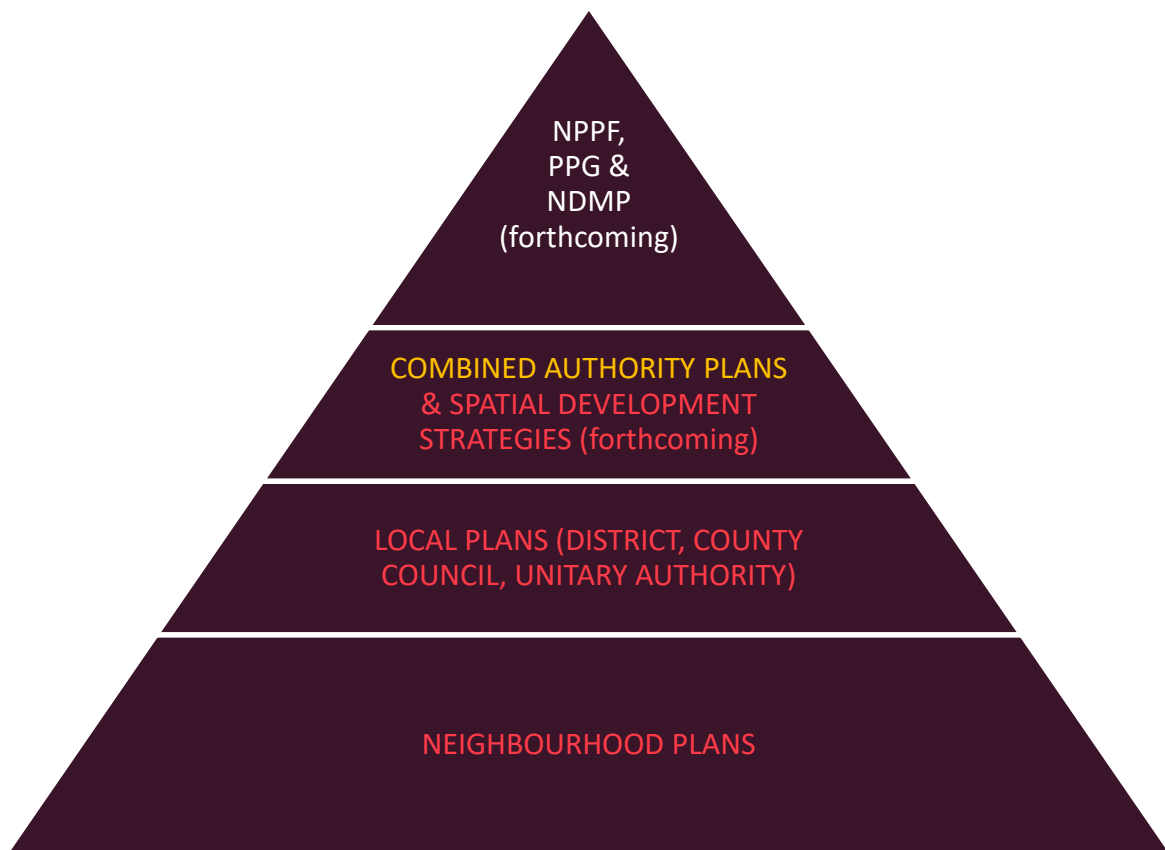


Image 2 - The structure of planning policy in England.

3. USING PLANNING POLICIES

With all policy documents it is important to remember that these are regularly updated. Ensure that you are referring to the latest version of the relevant policy document. If the Government or your Council adopts new planning policies, then ensure you are familiar with these.

The following section sets out how you may be able to use national planning policies and documents to support you in your role as a BHS Access Officer. To ensure the information is relevant to Access Officers across the whole of England, it only refers to national planning policies and guidance as set out in the NNPF and NPPG. Each quote is accompanied by a paragraph reference for ease of use. Please note that any emboldened text is our emphasis to highlight matters that may be of relevance to you.

In addition to the information set out below, you will need to review any relevant local planning policy and guidance to cover matters specific to your district. Set out in Appendices 1 and 2 are step-by-step guides on how to search for relevant planning policies in both district and county councils. Whilst every council sets out their website slightly differently and uses slightly different terminology for policy documents, the principles of the guidance should assist in identifying the relevant local planning policies.

National Planning Policy Framework (NPPF)

The NPPF includes only one direct quote relating to rights of way and it is fairly high level.

*'Planning policies and decisions should **protect and enhance** public rights of way and access, including **taking opportunities to provide better facilities** for users, for example by **adding links to existing rights of way networks** including National Trails'* (December 2024 NPPF, Paragraph 105)

This advocates for the protection and enhancement of existing rights of way and provision of new rights of way. Therefore, the principles of what you as an Access Officer are trying to achieve are innately support in national planning policy, which is a '*material consideration*' in the determination of **every** planning application. However, there is no guidance on what the threshold for protecting and enhancing is, what better facilities are or what this specifically means for equestrians. It is therefore important to review the PPG to see if further guidance on this can be gleaned.

Planning Practice Guidance (PPG)

The following section looks at individual PPG topics to see how they may be used in your responses to planning applications to help support particular arguments you may be presenting. In all instances, you can argue that the topics are a '*material consideration*' in the determination of any application

by virtue of the **Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32** judgement.

Open space, sports and recreation facilities, public rights of way and local green space PPG

The ‘Open space, sports and recreation facilities, public rights of way and local green space’ PPG advice note, reads:

*‘Public rights of way form an important component of **sustainable transport links** and should be **protected** or **enhanced**. **The Defra Rights of Way circular (1/09) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way**’ (Open Space PPG, 004 Reference ID: 37-004-20140306 Revision date: 06 03 2014)*

This reiterates key NPPF phrases of protection and enhancement and advises local authorities that they should refer to the **Defra Rights of Way Circular (1/09)** to ascertain how this can be achieved. Like the NPPF, the Open Space PPG does not specifically reference horses or equestrians, however, the Defra Rights of Way Circular does. It states that:

*‘In many areas, rights of way help to boost tourism and contribute to **rural economies**. They can also provide a convenient **means of travelling**, particularly for short journeys, in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle, on foot, on **horseback or in a horse-drawn vehicle**, to walk the dog, to improve their fitness, or to visit local shops and other facilities. **Local authorities should regard public rights of way as an integral part of the complex of recreational and transport facilities within their area**’ (Defra Rights of Way Circular (01/09), paragraph 1.5)*

This quote can be used to highlight the importance of equestrianism to rural economies, the importance of rights of way for travelling and active travel, the fact that rights of way should provide for those on horseback and those using horse-drawn vehicles and the fact that rights of way are integral to recreational and transport facilities. By referencing the circular via the PPG (which is a ‘*material consideration*’), it is possible to argue that local authorities **must** take into account these matters in the determination of their applications and in their local plan making.

The Defra Rights of Way Circular (01/09) also highlights that:

*'Section 145 of the 1980 Act specifies that a **minimum width of 5 feet** must be provided for gate across a bridleway. On granting consent for a structure an authority may impose conditions for maintenance or **ease of use by members of the public**' (Defra Rights of Way Circular 1/09, paragraph 6.7)*

This quote may be useful if developers are seeking to introduce a gate or structure across a bridleway or byway which falls short of the minimum distance or if such structures are not being properly maintained or not easily usable by equestrians. Alternatively, direct quotes from the Highways Act can be used which contain very similar wording.

Returning to the PPG, one final quote which may be beneficial is:

*'Where the surface of a footpath, bridleway or any other highway which consists of or comprises a carriageway other than a made up carriageway has been so disturbed as to render it **inconvenient** for the exercise of the public right of way, authorities, or district councils where they are responsible for maintaining a highway under section 42 or 50 of the 1980 Act, may carry out necessary work and recover expenses reasonably incurred in doing so' (Open Space PPG, paragraph 6.22)*

This quote may be relied upon if an application is granted planning permission but the developer damages the right of way during the build process. It is important to note that the threshold for implementation is making the right of way *'inconvenient'* not *'impassable'*. This position arises from the Highways Act and therefore alternatively, direct reference from the Highways Act can also be referenced.

Healthy and Safe Communities PPG

The 'Healthy and Safe' Communities PPG reads:

*'A healthy place is one which supports and promotes healthy behaviours and environments and a reduction in health inequalities for people of all ages. It will provide the community with **opportunities to improve their physical and mental health**, and support community engagement and wellbeing.*

*It is a place which is **inclusive and promotes social interaction**. The National Design Guide sets out further detail on promoting social interaction through inclusive design including guidance on tenure neutral design and spaces that can be shared by **all residents**' (Healthy and Safe Communities PPG, Paragraph: 003 Reference ID:53-003-20191101)*

This quote could be important if you are arguing that developments should include equestrian access for health benefits. There are various statistics that show equestrianism is very important for mental and physical health, with women often benefiting the most (see Section 7 below for further information). Statistics on the health benefits for women may also allow you to make gender equality arguments by referencing the Equality Act to further your position.

The quote from the PPG directs local authorities to refer to the **National Design Guide** when considering how to promote social inclusion through inclusive design. The National Design Guide reiterates and strengthens the need to meeting health and well-being needs and the need to design for all, helping to justify the inclusion of equestrian when delivering public rights of way. It includes:

*A definition of 'inclusion' which states that this means '**Making sure that all individuals have equal access, opportunity and dignity in the use of the built environment**' (National Design Guide, paragraph 10)*

'A well-designed movement network defines a clear pattern of streets that:

- is safe and accessible **for all**;*
- functions efficiently to get everyone around, **takes account of the diverse needs of all its potential users** and provides a genuine choice of sustainable transport modes;*
- limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;*
- **promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion**; and*
- incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity'. (National Design Guide, paragraph 77)*

*'Well-designed places...provide attractive open spaces in locations that are easy to access, with **activities for all to enjoy**, such as play, food production, recreation and sport, so as to encourage **physical activity and promote health, well-being and social inclusion**' (National Design Guide, paragraph 91)*

Importantly, that the National Design Guide does reference rights of way and active travel but, unfortunately, their terminology excludes equestrians (see extract from paragraph 82 below). This position is at odds with the established position at Bath and North East Somerset Council where the definition of Active Travel includes *'horse or pony riding'*. Access Officers or the wider BHS team are therefore encouraged to advocate for the inclusion of equestrian users in the definition of Active Travel at District or County level as this may lead to further policies being able to be drawn upon in support of protecting or extending bridleways and byways.

*'Priority is given to **pedestrian and cycle movements**, subject to location and the potential to create connections. Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them. Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes' (National Design Guide, paragraph 82)*

Natural Environment PPG

The 'Natural Environment' PPG talks about the importance of Green Infrastructure. It states:

*'Green infrastructure is a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, **outdoor recreation and access**, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk'. (Natural Environment PPG, Paragraph: 005 Reference ID: 8-005-20190721)*

Green infrastructure can build a **strong, competitive economy**, achieve **well designed places**, promote **healthy and safe communities**, mitigate **climate change** and **conserve and enhance the natural environment** (Natural Environment PPG, Paragraph: 006 Reference ID: 8-006-20190721)

This quote and paraphrase could be useful if you are seeking to argue the wide-ranging benefits of equestrian rights of way provisions (i.e. economic, social, environmental, place-making etc – see Section 7 below) of right of way provision.

The Natural Environment PPG also provides specific advice for sites located in National Parks, the Broads and National Landscapes (formerly known as AONBs). Importantly, it stipulates that the guidance is relevant to all developments which impact on the setting or protection of a National Park or National Landscape as well as to developments within the designations. The guidance states:

*'Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling Up and Regeneration Act 2023) require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and National Landscapes, relevant authorities '**must seek to further' the purposes for which these areas are designated**. Guidance on the operation can be found in Defra guidance on this duty (Natural Environment PPG, Paragraph: 039 Reference ID: 8-039-20250129*

Defra guidance references in the PPG the ‘Guidance for relevant Authorities on seeking to further the purposes of Protected Landscapes. 16 December 2024’. The Defra guidance highlights that one of the statutory purposes for National Parks, National Landscapes and The Norfolk and Suffolk Broads is:

To promote **opportunities** for the understanding and **enjoyment** of the special qualities of those areas **by the public** (Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes)

In 2019, The Landscapes (Glover) Review criticised protected landscapes for not doing enough on key matters including climate action, nature recovery and, importantly, access.

‘It feels wrong that many parts of our most beautiful places are offlimits to horse riders’ (The Landscapes ‘Glover’ Review, Page 98)

In setting out key recommendations in the report, Glover chose to include recommendation 16 ‘Consider expanding open access rights in national landscapes’ on a page with an image overlay of a horse being ridden through the countryside. In 2022, the Government responded to the Glover Review, setting out intended changes and stating:

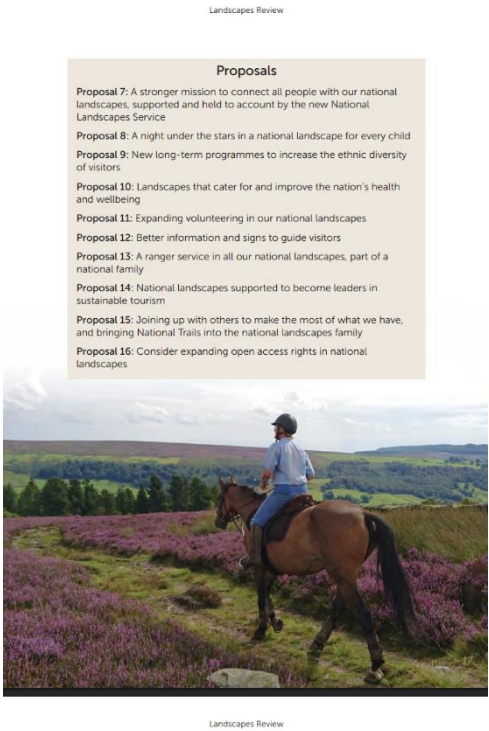


Image 3 – Extract from The Landscapes (Glover) Review 2019

*‘These fundamental changes will underpin our ability to achieve our national vision for a coherent national network of beautiful nature-rich spaces that **all parts of society can easily access and enjoy**’* (Landscapes review (National Parks and AONBs): Government response)

Following this, in a Government press release dated 16th December 2024 it was claimed that the new legislation will give National Parks and National Landscapes:

*'a clear mandate to **widen the public's access to nature**'* (Government press release dated 16th December 2024)

With this in mind, the statutory purpose to promote opportunities for the public to understand and enjoy the special qualities of National Parks, National Landscapes and The Norfolk and Suffolk Broads can reasonably be read to include access for equestrians in line with the clear intentions of both the Glover Review and the Government's response to the Review. In light of the PPG's instruction to further this statutory purpose, the above approach to policy assessment may be useful to argue for enhancement of or increase in the bridleways and byways in National Parks, National Landscapes and The Broads and within their setting.

Travel Plans, Transport Assessments and Statements PPG

The PPG sets out the information that is required when preparing Travel Plans, Transport Assessments and Statements to support a planning application. It states:

'Travel Plans, Transport Assessments and Statements can positively contribute to:

- ***encouraging sustainable travel;***
- *lessening traffic generation and its detrimental impacts;*
- *reducing carbon emissions and climate impacts;*
- ***creating accessible, connected, inclusive communities;***
- ***improving health outcomes and quality of life;***
- ***improving road safety;*** and
- *reducing the need for new development to increase existing road capacity or provide new roads'.*

(TPTAS PPG, Paragraph: 006 Reference ID: 42-006-20140306)

'The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment....measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms' (TPTAS PPG, Paragraph: 015 Reference ID: 42-015-20140306)

Paragraph 006 can be linked to the need for equestrian access to help achieve the aims of Travel Plans, Transport Assessments and Statements, whilst paragraph 015 does not specifically reference equestrian access, the examples of footpath and cycle path linkages are not an exhaustive list. It could be argued that equestrian linkages can be used to deliver improved accessibility to make a development acceptable in planning terms. This could be particularly useful if your area has accepted equestrians in the definition of Active Travel.

4. HOW ARE PLANNING DECISIONS MADE?

Planning decisions are made based on the information submitted to the Local Planning Authority, the consultee and public responses received on the application and the relevant planning policies and guidance (both statutory and non-statutory). Planning Officers make a recommendation or decision based on a balance of the information provided to them.

Once an application is registered, all applications will be subject to a three-week consultation period during which consultees and the public can make comments on the application. If you are unable to make comments within the allotted three-week period, contact the Planning Officer and ask for an extension of time to make your comments. Most councils are willing to agree to this if it does not affect their timescales for determination. Councils normally have either eight weeks from registration for minor applications or 13 weeks for major applications to make a decision. However, often decisions overrun these timescales. For clarity, a major application comprises:

- 10 or more houses;
- 0.5ha or more site area for residential use
- 1000sqm or more of non-residential floor space, or;
- 1ha or more site area for non-residential development.

Planning decisions can either be determined under delegated powers (meaning the Planning Officer makes the decision) or determined by Planning Committee. The Planning Committee is made up of elected Councillors. Normally, major or controversial applications are determined by Planning Committee. When an application is determined by Planning Committee, the Planning Officer still makes a recommendation to the Planning Committee, the Committee debate it in a public forum (where registered supporters and objectors can present their case) and a decision is made based on a vote by the Planning Committee members. In rare cases (usually where a development affects policies, developments or infrastructure of national importance), applications can be '*called-in*' to be determined by the Secretary of State rather than the Planning Officer or Committee.

If an application is refused, the decision can be appealed where an independent Inspector then makes a final decision. There is no third-party right of appeal. In rare cases, decisions can be taken to the courts via Judicial Review but this is only where there is concern that a decision has been made without following due procedure.

The following diagram shows the most common stages that planning applications may go through. Other than the pre-application and the s106, all other stages are open to public comment.

NOTE - if you make a comment on an application, request to be contacted if any changes are made to the application during its lifetime. You will then be informed if new plans or documents are submitted and these will be subject to a further three-week consultation period to allow you to make comment.

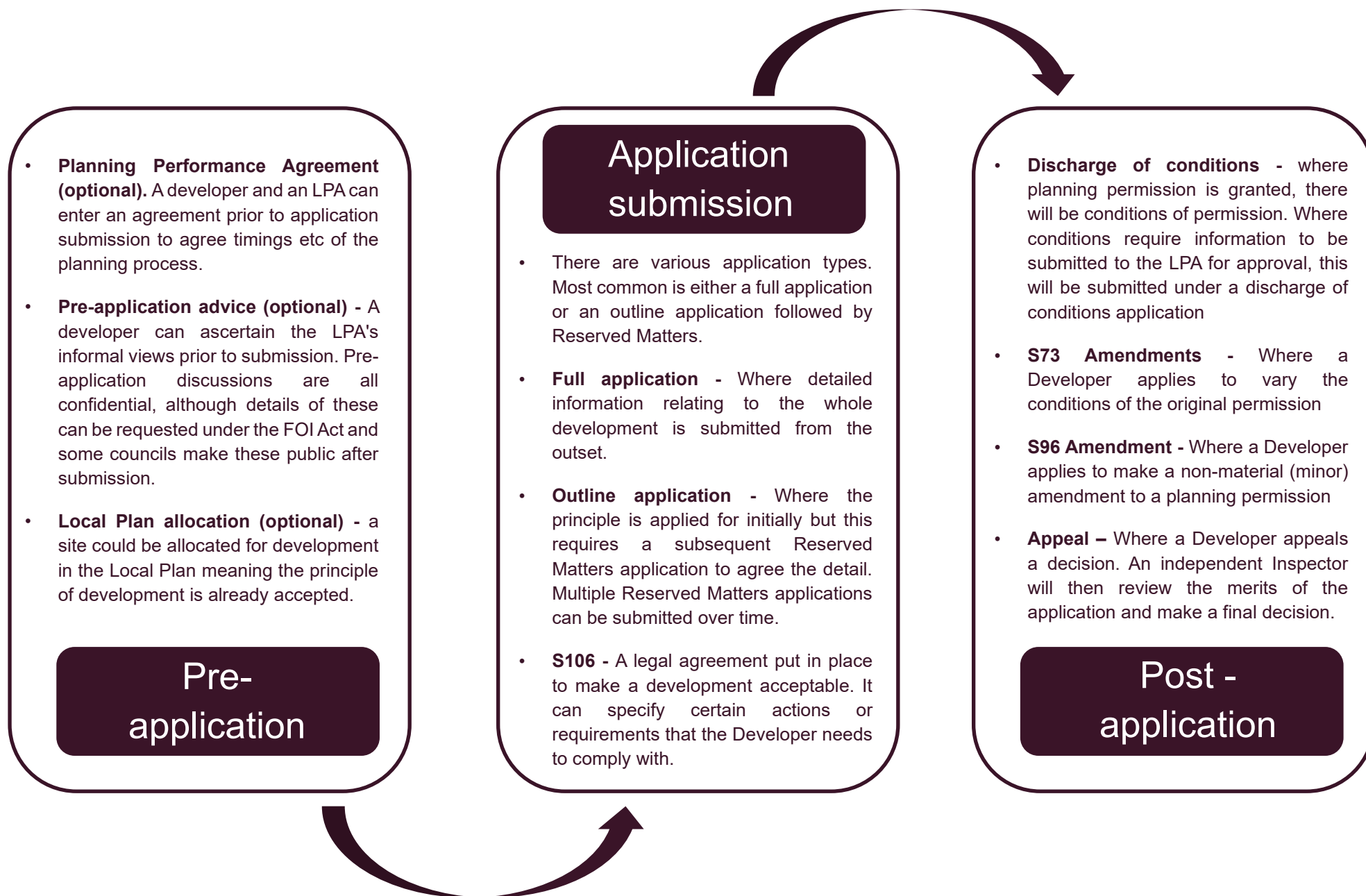


Image 4 – The most common stages of the planning process

5. WHERE CAN YOU FIND PLANNING APPLICATIONS TO COMMENT ON?

The BHS may already be registered with your council as a consultee for any applications affecting rights of way in your area. If this is the case, then you should automatically be notified of any applications affecting rights of way. If that isn't the case, then we would strongly encourage you to liaise with your council/s to try to get the BHS registered as a consultee.

If the BHS is not a consultee, your council/s will hold an online register of planning applications and you can usually search for relevant key words or application references. This can be done by regularly reviewing the '*Planning Applications*' section of the relevant council's website, using the advanced search function to filter by relevant dates and key terms for applications of interest. Alternatively, you can use the '*map*' search to check for applications in a certain area, or you can register with the council to receive notifications of applications that you are interested in. Also, keeping an eye on the local press can be a really useful way of hearing about potential new developments that may be happening in your area.

REMEMBER – Rights of way can be affected by all forms of development such as solar farms, infrastructure projects, commercial developments, new reservoirs, new country parks etc and not just housing developments.

Once you've identified the applications you wish to comment on, you can normally comment via the online record for the planning application on the council's online system or by emailing the Planning Officer or Planning Department. If emailing, it is worth checking the best email address with your council directly and requesting an email back to confirm the council has received your comments.

NOTE – Developers or Agents do not always correctly identify when a proposed development affects a public right of way and Local Planning Authorities do not always identify these errors. Therefore, it is essential to proactively monitor planning applications and significant development proposals using the steps outlined above, even if you are a registered consultee.

6. WHAT SHOULD YOU LOOK FOR WHEN ASSESSING A PLANNING APPLICATION?

There are three key elements to consider when assessing a planning application and they all feed into one another.

1. Review the application

- a. *Review the plans* – the location plan, existing site plan and proposed site plan will give you an overview of what is being proposed.
- b. *Review the supporting reports* - The Design & Access Statement will provide you with an overview of design and access issues. The Transport Assessment/Statement will provide you with details of accessibility matters.
- c. *Existing rights of way* - Are existing rights of way affected by the proposal? If rights of way are affected, has equine access been adequately considered?
- d. *Additional rights of way* - Is there an opportunity for additional rights of way for equestrians? Has this been adequately considered and incorporated? See Section 7 for further information on this.

2. Know the site

- a. *Undertake a site visit* - To be able to comment effectively, it is best if you know the site. If you do not know the site, undertake a site visit if possible.
- b. *Review Maps* – The Definitive Map and Local Plan maps may provide you with additional useful information about the site.
- c. *Review other data* – Review photographs, aerial imagery etc to inform your comments. Check Project 2026 for identified historic access.

3. Know the policies

- a. *National* – Does the scheme comply with national planning policies and guidance?
- b. *Local* – Does the scheme comply with Local Plans, the RoWIP, Local Transport Plans and any adopted Supplementary Planning Documents etc?
- c. *Neighbourhood* – Does the scheme comply with a Neighbourhood Plan if adopted?

REMEMBER – Don't only look at what is there. Look at what isn't there. Remember that the submitted documents have been prepared in support of the development. This means they may not cover all relevant aspects or may claim compliance without covering certain key points. Your review should be a critical one to ensure every relevant aspect for horses and equestrian access has been covered.

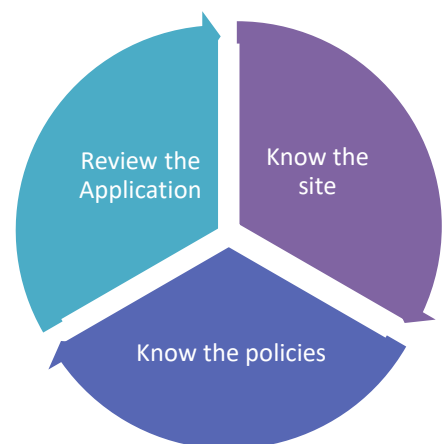


Image 5 – Assessing an application

7. WHAT ACCESS CAN YOU ASK FOR?

In addition to commenting on the impact of a development on existing rights of way, part of your role is to try to secure new or improved rights of way for your area. This will normally be through securing rights of way within an emerging development.

You are most likely to achieve success in securing new rights of way by engaging with Developers early i.e. during the design phase through direct approaches or, more commonly, through the public consultation process before an application is submitted formally. When commenting, it is important that you are clear on what it is that you are looking to achieve. Before providing feedback on any specific development, consider how you can achieve the greatest benefit for equestrians in your area, for example;

- *Is it a periphery route?*
- *Do you need to get from one existing right of way to another?*
- *Would a particular route open more opportunities for future access?*
- *Would a circular route be more useful to avoid horses having to turn around half way through their hack?*
- *Would a figure of '8' route give more options for access?*
- *What kind of surface would be best for horses in that particular area? If a hard surface, what is the preferred surface construction?*
- *How wide does the bridleway/byway need to be in order to function?*

Being clear about what needs to be provided for successful equine access will help Developers to incorporate access which is beneficial and functional. Remember, Developers incorporate pedestrian, cycle and vehicular access by default, but many Developers will not understand why or how to deliver access for equestrians. In most instances, Developers will be grateful to receive clear feedback on what the concerns are and how they can be resolved.

In setting out your requests, it is worth also highlighting to Developers the benefits of including equestrians within developments. Consider highlighting matters such as;

- **The economic benefit of equestrianism;** for example The BETA '*National Equestrian Survey*' 2023, provides an economic value for the industry of £5 billion annually whilst the 2025 BEF report, '*The Power of Horses*', reveals that equestrianism generates £1.2 billion in social value in the UK each year.
- **The social benefit of equestrianism;** for example, the British Horse Society's report on '*The health benefits of horse riding in the UK*', in which the physical, psychological and social benefits of horse riding are made clear whilst the 2025 BEF report, '*The Power of Horses*', highlights the need for policy makers to be integrating equestrian centres in community well-being.

- **The environmental benefit of equestrianism;** for example, Natural England's '*Green Infrastructure Planning and Design Guide*' 2023 notes that Green Infrastructure, which includes bridleways, '*creates greener, healthier, more climate resilient and more equitable places to live that in turn support a more productive and sustainable economy.*'
- **The place-making benefits of equestrianism;** for example, integrating bridleways and equestrian routes within urban developments is widely recognised as helping to establish a strong sense of place, linking modern living with rural character and enhancing residents' connection to nature. This position is supported by the Landscape Institute's '*Maximising value from built development*' report.

NOTE – If you are asking for new access or improved access, ensure you highlight that the delivery of that access must be linked to a tangible, realistic (and where possible, early) trigger point. For example, the new right of way should be open and usable before the occupation of the first house approved as part of the development or within one year of the date of commencement of development. This will reduce the risk of the development being built out and the right of way not being delivered.

8. WHAT IS A MATERIAL CONSIDERATION?

When commenting on a planning application, Planning Officers can only consider ‘material considerations’. These matters have often been determined as a result of legislation or court decisions confirming that they are ‘material’.

One of the strongest ways of ensuring the point you wish to raise is relevant is by referring to planning policy and showing how a development does not comply with the policy as stated. Reference to precedent cases, appeal cases and case law may also be useful. Some case law and precedent cases which may be useful are provided in sections 10 and 11. You may also have knowledge of other case law, appeals or decisions which could be useful to reference.

The following diagram sets out examples of matters that could be considered ‘material considerations’. The matters highlighted in blue are more likely to be relevant to the applications that you are considering. Examples of issues which are not usually material planning considerations include strength of local opposition, loss of property value, the Applicant’s background etc.



Image 6 – Material Considerations

9. HOW SHOULD YOU WRITE YOUR RESPONSE?

When preparing a response, it is advisable to ensure that the response is concise, that you refer to '*material considerations*' to support your position and that, if the document is long, you use writing techniques to help make the document more accessible to the reader. Some Planning Officers will be reading hundreds of documents when making a decision on an application and therefore it is important that your comments stand out and make an impact. Some useful techniques you could implement include making use of topic sections, bullet points or subheadings, doing a summary paragraph in bold at the end of the section and using the rule of 3 to say what you're going to cover, cover it and summarise what you've covered. Always re-read your comments before submitting to ensure that they make your intended point.



Concise

Ensure you are concise and to the point



Refer

Refer to Material Planning Considerations. Planning policies, case law and appeal decisions are particularly useful



Techniques

Use writing techniques

- Collate points into topics i.e. landscape, access, surfacing
- Use of bold summary paragraphs at the end of each topic
- Rule of 3 - Say what you're going to cover, cover it, summarise what you've covered

Image 7 – Key points to remember when writing your response

Finally, remember that whilst new development may not be wanted it can be a very effective tool for improving rights of way. As an Access Officer, you are reviewing the application from an access perspective.

TOP TIP – Even if you are objecting to a planning application, caveat your response with the conditions or improvements you would like to see in the event that planning permission is granted. This protects your position no matter what the decision.

10. USEFUL CASE LAW

The following section sets out some case law which may be useful for you when commenting on planning applications.

1. **Westley v Hertfordshire County Council [1998] 2 PLR 72 (Divisional Court)**

In this case, planning permission for a housing development led to encroachment onto an adjoining bridleway. Fencing and other works narrowed the way, leading to complaints of obstruction under the Highways Act 1980 and alleged statutory nuisance under the Environmental Protection Act 1990.

The magistrates initially convicted Hertfordshire County Council for failing to maintain the bridleway properly, but this was reversed on appeal, emphasising that the issue was an obstruction rather than neglect, and it did not amount to statutory nuisance

Why useful: Illustrates how planning decisions affecting bridleway width or usability can lead to statutory claims, even if permission was granted.

2. **Kind v Northumberland County Council (2012) EWHC 603 (Admin):**

In this case, the High Court held that a cattle grid obstructing the full width of a bridleway, which forced users to bypass via a gate on private land, was impermissible. The court judged that under the Highways Act section 130 and 147, the Highway Authority has a duty to prevent unlawful stopping up or obstruction of a right of way. The court made clear that this duty applies to the full width of the right of way to protect the public's right to use and enjoy the highway.

Why useful: Demonstrates that any obstruction or stopping up of right of way is unlawful and the Highways Authority has a duty to ensure this remains open and accessible for its full width at all times.

3. **Garland & Anor v Secretary of State for Environment, Food and Rural Affairs [2021] EWCA Civ 1098**

A restricted byway (formerly a footpath) through an underpass beneath the M25 was designated as a bridleway via a DMMO, allowing horse and cycle access. Local residents challenged this change, arguing it would create a public nuisance due to space and safety concerns.

The Court of Appeal upheld the inspector's decision, ruling there was no actual harm to pedestrians, and that horse riders could safely use the underpass or dismount if needed.

The court refused to speculate about hypothetical future harm and affirmed that designation of bridleway status remains valid even without special planning mitigation for horse users.

Why useful: The court confirmed that horse access via public path designation is lawful and material, even if concerns are voiced. The court also confirmed that concerns from pedestrian users regarding horses and horse riders creating a public nuisance were unfounded and special provision was not required when delivering a bridleway.

4. *R (Network Rail Infrastructure Ltd) v Secretary of State for the Environment, Food and Rural Affairs and others* [2017] EWHC 2259 (Admin)

Planning permission was granted for a housing development subject to a negative Grampian condition, meaning that no more than an agreed number of dwellings could be built before an application was made to the county council to close an existing right of way and agree a replacement. A Planning Inspector refused the stopping up order and this was then subject to an assessment of the necessity and merits tests in the High Court.

The High Court decision provided clarity on how planning conditions interact with stopping-up orders under Sections 257 and 259 of the Town and Country Planning Act 1990. It reaffirmed that the statutory stopping-up process must be properly followed, including a full assessment of whether the order is necessary and justified on its merits. The case made clear that planning conditions cannot override or circumvent the legal requirements for extinguishing public rights of way.

Why useful: A planning permission being granted for a development subject to a condition for the closure of a right of way, still requires a separate application to the relevant body to secure said closure. It is not *fait accompli* and the Developer must progress with this application to comply with the original condition of permission for the original permission to remain valid.

Whitworth v Secretary of State for Environment, Food and Rural Affairs [2010] EWCA Civ 1468

Since the Countryside Act 1968, bicycles have been legally permitted to use public bridleways. The case of Whitworth v Secretary of State for Environment, Food & Rural Affairs [2010] EWCA Civ 1468 clarified the significance of this in relation to recording public rights. The Court confirmed that, where there is sufficient evidence of bicycle use, this may support the recognition of a bridleway. This is because a landowner, observing regular bicycle use after 1968, could reasonably assume that cyclists were exercising lawful rights under the 1968 Act, implying the existence or acceptance of a bridleway.

Why useful: If existing footpath routes have been used by cyclists for more than 20 years, then there may be a case to apply for DMMO to upgrade this to bridleway or restricted byway which would allow use by horse riders as well. This could potentially be used to help argue for improvements to the existing rights of way to include provision of horse access rather than footpath access where cyclists have historically used rights of way across new development sites.

11. USEFUL DECISIONS AND APPEALS

APP/W0530/W/22/3299370 - Land East Of Highfields Road, Highfields Caldecote, Caldecote – South Cambridgeshire District Council

Appeal APP/W0530/W/16/3149854 granted planning permission for up to 140 dwellings. With associated infrastructure. Condition 20 required that the development could not commence until a scheme for a new right of way, including a bridleway, was agreed. Subsequently, the Applicants sought to vary condition 20 so that it only delivered a footpath and not a bridleway. This was refused and was the subject of a second appeal (reference APP/W0530/W/22/3299370). The Inspector concluded that even though the bridleway would not connect to other bridleways, it would be *‘an attractive and suitable route for horse riders and cyclists to access even if using a short section of Highfields Road is required’*

Why useful: The decision confirms the importance of enhancing rights of way and not allowing them to be diminished through the planning process. It also confirms that bridleways can be justified even when they do not connect to other routes.

APP/J1915/W/24/3356883 - Warren Farm, Green Tye, Hertfordshire SG10 6JD - East Herts District Council

The Appellant had erected some private stables and a manège on land in the Green Belt without planning permission. Policy CLFR2 of the Much Hadham Neighbourhood Plan 2019 to 2033 (MHNP) stated that planning applications for new stables should identify an access route to the bridleway network of sufficient quality to support the number of stable units on the site and demonstrate that use of the access route will not bring added danger to other road users or to horse and rider. The Appellant had submitted a retrospective application for the facility but this was refused on two grounds with one of those being that there were insufficient bridleways in the area to serve the development and thereby minimise risk to other highway users. The site provided direct offroad access to an extensive rights of way network including formal bridleways and permissive paths. The Applicant appealed. The appeal was accompanied by a letter from the BHS setting out arguments against the validity of CLFR2 on the basis that the Highway Code allows horses on the road and the highway user hierarchy dictates that vehicles should give way to horses. As such, horses are not capable of bringing danger to other road users. The Inspector confirmed that the rural nature of the local road network meant that horses using the roads was not uncommon and was therefore unlikely to result in any conflicts with other road users. The appeal was allowed.

Why useful: The decision confirms that horses have a right to use the road network should they wish to do so. This may be useful where bridleways do not connect but could be accessible by using a short stretch of road. It also quantifies what adequate access to a bridleway network may look like in planning policy terms.

Application HPK/2024/0401 - 51 dwellings, comprising one bedroom flats and two and three bedroom houses - High peak Borough Council

The application sought the delivery of 51 dwellings. Consultees argued that the development should deliver a multi-user track via a bridleway as opposed to a footpath. This was supported by the Planning Officer and the Planning Committee who refused the application. One of the reasons for refusal was *'The proposed development would not provide for an appropriate bridleway connection to provide full multi-use access on the proposed path running along the east of the application site'*

Why useful: The decision confirms the importance of securing improved rights of way through development and the importance of multi-user facilities to create the greatest benefit to all.

APP/P3040/W/23/3329235 - installation of a renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements – Rushcliffe Borough Council

Application 22/00319/FUL for a solar farm was submitted to Rushcliffe Borough Council. A number of rights of way, including a bridleway, crossed the site. The LPA cited impact on the amenity of users of the bridleway as one of the reasons for the refusal. The decision was appealed under APP/P3040/W/23/3329235 but the appeal was dismissed. Whilst not the only reason for refusal, the Inspector concluded that the footpaths and bridleway provided unique access to the openness of the site and the proposals would visually impact on the perception of that openness from parts of the rights of way network. The Inspector noted that this, combined with the impact from the construction phase on the rights of way network would generate a moderate adverse impact initially which weighed against the development in the planning balance.

Why useful: The decision confirms that the visual impact of a development on the rights of way network is a *'material consideration'* and that even where mature soft landscaping is proposed, this may not be sufficient to mitigate the harm, particularly in the short term. It also confirms that the impact on the rights of way network from construction can be considered as a *'material consideration'*.

12. OTHER MATTERS TO CONSIDER

The following items are other matters which may help you in your role as an Access Officer:

Communication – The key to securing support is communication. Ensure you keep local equestrians and bridleway groups informed about important applications. Where relevant, encourage local members to comment on applications.

Engagement – Where possible engage with the planning system. Attend public consultations, establish relationships with Planning Officers and local community members to help effect change in attitudes to the inclusion of equestrian access. Approach promoters of sites as soon as you can (ideally well before they get to planning application stage). Talk to them as soon as the idea or possibility of a development emerges. Keeping an eye on the emerging Local Plan, Site Allocations and latest Monitoring Report from the council can assist with identifying the sites that are likely to be coming forward over the next five years and who the promoters are of those sites. Remember, inclusion from the original point of design will result in a far more cohesive and inclusive design than equestrian access being considered as a late add on and will avoid the need for objections during the application process itself.

Impact of phased development – Be aware of the impact of phased development. Often, a large-scale development may come forward as multiple smaller planning applications. Where this happens, it is important to advocate for access on the main Outline application (if there is one) but also on each of the smaller full or reserved matters planning applications. Loss of access at the first phase of development on a large site may preclude a larger peripheral route coming forward once the whole site is developed.

Local Access Forum – If your district has a Local Access Forum, attend meetings and, if possible, join the forum to help make effective change. LAF's consider the needs of all users and help advise decision making bodies on public access needs.

NSIPs – Nationally Significant Infrastructure Projects or NSIPs are managed by the Planning Inspectorate rather than local authorities, but you can still participate as an Interested Party. Crucially, you must register as an Interested Party during the Pre-examination stage (stage 3) if you wish to be involved during the assessment of the application. An NSIP application follows six statutory stages:

1. **Pre-application** – The applicant must carry out a public consultation/s before submitting the application. This is an early and effective point to engage.
2. **Acceptance** – A 28-day period during which the Planning Inspectorate decides whether to accept the application for examination.
3. **Pre-examination** – Lasts a minimum of 30 days. The applicant must publicise that the application has been accepted and explain how people can register as Interested Parties. Information on NSIPs applications is also on the Government's NSIPs webpages <https://national-infrastructure-consenting.planninginspectorate.gov.uk/project-search>

4. **Examination** – Typically a six-month process where appointed Inspectors examine the application. Registered Interested Parties can submit evidence and attend hearings.
5. **Recommendation** – Inspectors have three months to prepare their report and recommendation for the Secretary of State.
6. **Decision** – The Secretary of State has three months to issue the final decision.

Other consultees – Remember that you are not the only consultee and the Planning Officer has to balance the comments of all consultees. This means applications can be approved or section 106 agreements made which incorporate details you may not be aware of or may not be expecting. To reduce this risk, review what other consultees are requesting (all comments are made public on the council's planning pages). For example, if Ramblers are requesting a new footpath, is there scope for this to be upgraded to a bridleway or byway? If cyclists are requesting a new cycleway, will the construction be suitable for horses to use or if not, can this be incorporated? If your application is going to Committee, review the Committee Report before the Committee Meeting as this should clearly set out all consultee comments, expected conditions and s106 matters.

Planning Policy – This document has focussed on commenting on planning applications based on current planning policy. However, another important role for Access Officers is commenting on emerging planning policies so that equestrian access is incorporated within planning policies (both locally and nationally) from the outset. This will make it significantly easier to ensure equestrian access is brought forward on sites in the future. This may be something that County or Regional Access Officers undertake but it should be covered within your area.

Politics – Ultimately, planning is a political process. Approaching local Councillors for support, especially those who sit on the Highways and Transport Committee and Planning Committee and those whose policies are green or active can significantly help to secure valuable equestrian access on new developments.

Rights of Way Team – Build relationships with the council's Rights of Way team. Ensure that the Definitive Map Team/ Rights of Way Officers are responding to planning applications in a manner which promotes the need for equestrian access. Often these Officers are not made aware of applications and therefore it may require direct engagement from you to ensure that they respond accordingly.

Transport and Access – Don't forget to comment on applications which concern Transport and Access (and may be made via the county council). These often provide valuable opportunities for improved access for equestrians.

APPENDIX 1 – HOW TO FIND AND REVIEW A DISTRICT COUNCIL’S LOCAL POLICIES – A STEP-BY-STEP GUIDE

Step 1: Open the Council planning pages

- Go to the district council’s website.
- Locate the ‘*Planning*’ (or ‘*Planning and Building Control*’) section from the homepage.
- If you can’t see it, use the search box on the website and type ‘*planning*’, or use a search engine and search “[name of district council] + planning” to reach the correct page.

Step 2: Find the Local Plan / Planning Policies page

- On the Planning page, click the link labelled ‘*Local Plan*’ or ‘*Planning Policies*’.
- You will usually see a list of documents. Prioritise the ‘*Adopted Local Plan*’ (sometimes called ‘*Adopted Development Plan*’).

Step 3: Use the Contents Page to spot likely relevant policies

- Go to the Local Plan’s ‘*Contents*’ page and scan the chapter and policy titles.
- Note policies that look relevant to your proposal (for example ‘*Strategy for the Rural Area*’, ‘*Green Infrastructure*’, ‘*Planning for Sustainable Travel*’).
- Navigate to and read each policy you identify to understand its wording, scope and any relevance/requirements.

Step 4: Search the Plan for key terms and supporting text

- Use the document search to find terms that may not be in the contents but are important, for example: ‘*rights of way*’, ‘*green infrastructure*’, ‘*bridleway*’, ‘*horse*’, ‘*access*’.
- Read the surrounding paragraphs, not just the policy heading. Supporting text can contain important definitions, criteria or site-specific guidance.

Step 5: Open the Adopted Local Plan and Adopted Local Plan map

- Open the Adopted Policies Map (if available). Use the map alongside the Local Plan to check area-specific policy designations.

Step 6: Check for other council policy documents

- Return to the Planning/Policies section of the council’s website.
- Look for additional documents that could be relevant, such as: ‘*Neighbourhood Plans*’ (for the parish/area where the site lies) and ‘*Supplementary Planning Documents*’ (SPDs) or ‘*Design Guides*’ (e.g on access, rights of way, landscape).
- For each document, use the contents page and search function to locate relevant policies or guidance and read the relevant sections.

Step 7: Look for saved and emerging policies

- Find any saved policies from older plans that remain in force which may still be relevant.
- Check whether there are emerging plan documents (draft Local Plans or consultations). If emerging policies are relevant, note their stage. The closer they are to adoption, the more weight they carry in decision-making.
- For each document, use the contents page and search function to locate relevant policies or guidance and read the relevant sections.

Step 8: Record your findings and references

- For every policy or document you rely on, record the title, date (or version), exact policy/paragraph number and a short note on how it applies to the case.

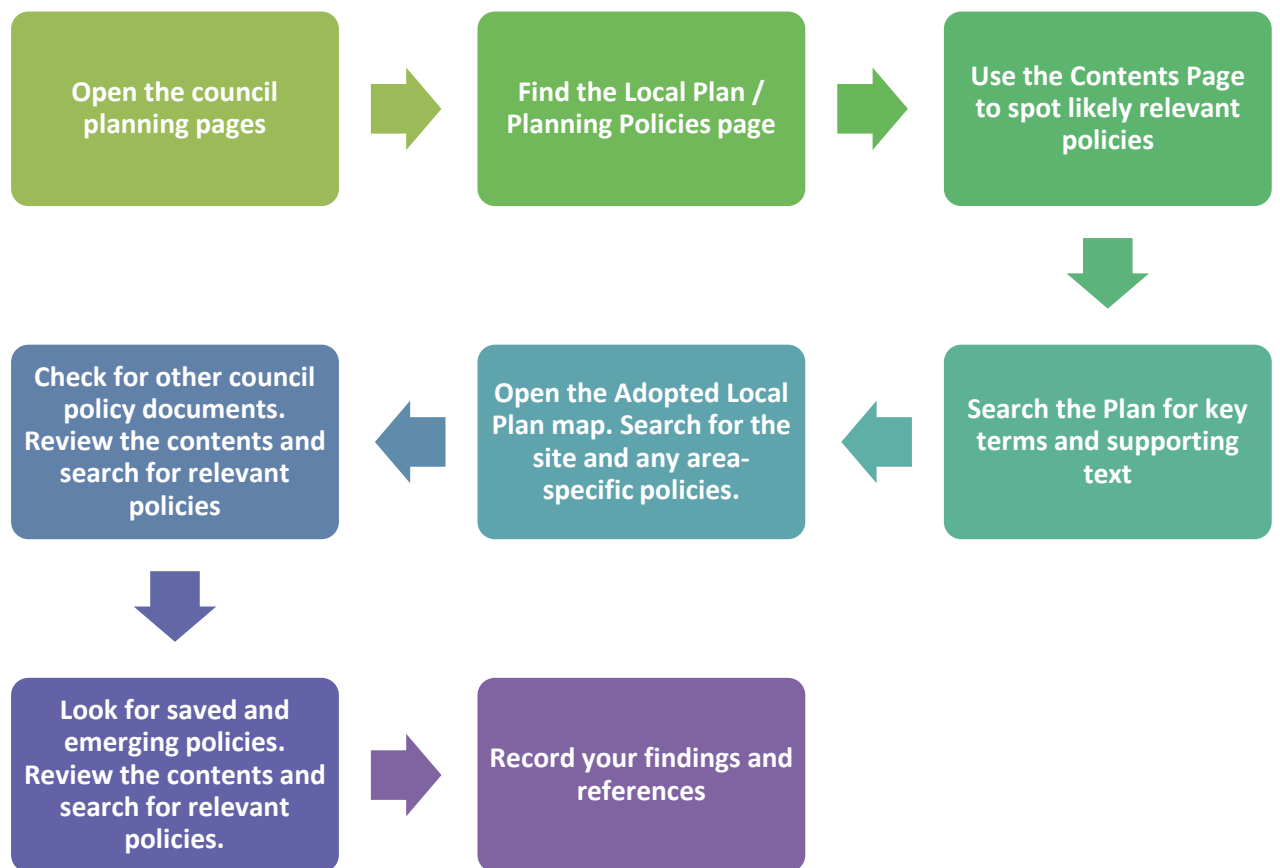


Image 8 - How to find and review a district council's local policies - flowchart

APPENDIX 2 – HOW TO FIND AND REVIEW A COUNTY COUNCIL’S LOCAL POLICIES – A STEP-BY-STEP GUIDE

Step 1: Access the County Council website

- Go to the county council's website.
- Locate sections such as '*Planning*', '*Transport*', '*Environment*', or '*Public Rights of Way*'.
- Use the site search or a search engine to search for these sections (search "[county council name] '*Planning*' or '*Transport*'").

Step 2: Identify relevant county documents

- Typical documents to look for: '*Rights of Way Improvement Plan*', '*Active Travel Study / Strategy*', '*Local Transport Plan*' or other transport strategy documents.
- It is also worth reviewing the '*Definitive Map*' which will provide details on existing rights of way.

Step 3: Review each document like a Local Plan

- Open the document, read the contents page and identify relevant sections/policies.
- Use the search function to find specific terms (e.g. '*rights of way*', '*bridleways*', '*access*', '*horse*').
- Read the relevant policy/strategy text and note any actions, standards or requirements that may apply to your proposal.

Step 4: Record county policy references

- For every policy or document you rely on, record the title, date (or version), exact policy number/paragraph and a short note on how it applies to the case.

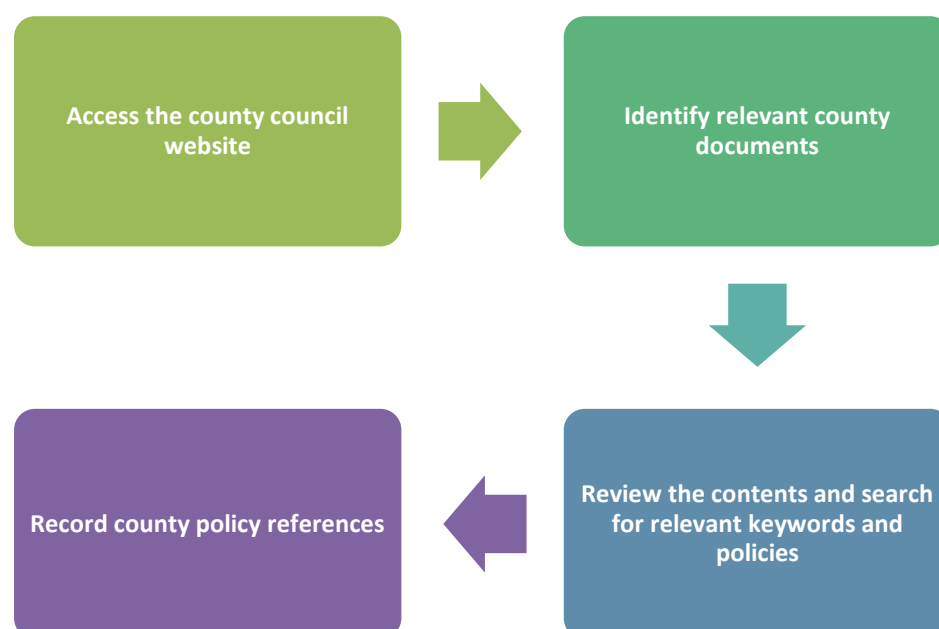


Image 9 - How to find and review a county council's local policies - flowchart

End