

Agricultural Land vs Equestrian Land Explained

Many landowners assume that keeping horses on agricultural land is straightforward, but the planning rules can be more complex than they first appear. Understanding the difference between agricultural land and equestrian land is essential before buying land, building stables, erecting field shelters, or starting any horse-related activity.

In UK planning law, agricultural and equestrian use are generally treated as separate land uses. While agricultural land is used for farming activities such as growing crops or raising livestock for food production, land used primarily for keeping horses for leisure, recreation, riding, or livery purposes is usually classified as equestrian use. This distinction can affect whether planning permission is required, what structures can be built, and how the land can legally be used.

This simple guide explains the key differences between agricultural and equestrian land, change-of-use requirements, and what horse owners need to know before developing or purchasing land. Whether you are considering a small private paddock, a stable yard, or a larger equestrian enterprise, understanding these rules can help you avoid costly mistakes and planning enforcement issues.

Planning Use Class System

The UK planning Use Class system categorises buildings and land based on their intended use. It determines whether you need a formal planning application from your local council to change how a building or land is used. This classification framework, introduced by the Town and Country Planning (Use Classes) Order 1987, is divided into categories. For example Class C3 is residential use and Class E relates to commercial, business and service use. However, some land is not classified under the main categories, but comes under Sui Generis. This is a Latin term meaning "in a class of its own". Agricultural land falls into the Sui Generis category. This means that any change of use from an agricultural use would require planning permission.

Definition of Agricultural Land

Under the Town and Country Planning Act 1990 Section 336, the definition of agriculture is given as follows:

'Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur,

or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.’

The Town and Country Planning Act 1990 (TCPA 1990), Section 55, Meaning of “development” and “new development”, states that “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

In simple terms, the definition of agriculture includes the use of the land for grazing. However, unless horses are kept for the sole purpose of farming the land, or for meat, then anything other than grazing horses requires a material change of use.

Equestrian Use of Land

As with agricultural land, equestrian land comes under the Sui Generis use class. However, unless horses are used to farm the land e.g pull a plough, or bred for meat production for food (not common in the UK), then they are classified as recreational animals, this includes stud farms where horses are bred for sport or recreation. As recreational use does not come under the definition of agriculture, recreational use of agricultural land would require planning permission for a material change of use.

In general, fields with or without buildings, are classed as having agricultural use. The land and buildings will only have a lawful equestrian use if planning permission has been approved.

How do I find the use class of my land?

You will need to go onto your Local Authority website and carry out a planning application search for the land. Within the planning and development section of the website, you should be able to search using a map, address or coordinates for any planning history of a site.

If no planning applications have been approved for a change of use from agriculture to equestrian, then the lawful use of the land remains agricultural, unless you can prove the land has been used for equestrian purposes continuously for at least 10 years – see the 10 year rule below.

The 10 year Rule- Lawful Development Certificate

The Town and Country Planning Act 1990, section 191 allows consideration of a Lawful Development Certificate for an existing use or development to ascertain whether any existing use of buildings or other land is lawful. Uses and operations are lawful at any time if -(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason);(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

With regard to the Planning and Compensation Act 1991, there are time limits within which local planning authorities can take planning enforcement action against breaches of planning control. If a use has occurred continuously in excess of 10 years it should be deemed lawful.

In simple terms, if you own or are buying land that does not have planning permission for equestrian use then the land is deemed to be agricultural, unless you can prove that the use has continued for a period of at least 10 years. Once the time limit has passed, the development becomes lawful, in terms of planning.

If you can prove the land has been in continuous use as equestrian land and any buildings have been used for horses for at least 10 years, then you can apply to the local authority for a certificate of lawful development.

If accepted, a certificate of lawful development is not planning permission, but it confirms that permission is not required and the use of the land is lawful.

It is up to the person applying for a Lawful Development Certificate for an existing use to show the proper evidence. This must include proof that any use has been carried on continuously for a period of 10 years.

If the Local Planning Authority has evidence, or reasonable grounds to believe, that the applicant's claim is not correct, it may refuse to grant a certificate.

Information which must be provided with the application

- the date that the use started
- any use class the applicant considers to be applicable (i.e sui generis - agricultural to equestrian)
- the reasons the applicant thinks he / she is entitled to a Lawful Development Certificate
- any other relevant information, including photographs of the site in use and signed statements from the owner, neighbours or relatives to confirm the use
- a plan identifying the land
- a certificate as to the applicant's interest (ownership, tenancy etc) in the land and any interest of any other person