



Appeal Decision

Site visit made on 28 January 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/R1845/W/24/3353538

Manor Hill Stables, Hackmans Gate, Clent, Stourbridge DY9 0EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Victoria Hill against the decision of Wyre Forest District Council.
 - The application Ref is 24/0044/FUL.
 - The development proposed is demolition of existing stable block and construction of single storey residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing stable block and construction of single storey residential dwelling at Manor Hill Stables, Hackmans Gate, Clent, Stourbridge DY9 0EN in accordance with the terms of the application, Ref 24/0044/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published in December 2024 and amended in February 2025. I have taken the revised Framework into account as part of the determination of this appeal.

Main Issues

3. The main issues are:
 - whether or not the development is inappropriate development in the Green Belt having regard to the Framework and any development plan policies, including any relevant effects on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for the future occupants of the proposal, with particular regard to privacy.

Reasons

Whether it is inappropriate development in the Green Belt

4. The appeal site is located within the Green Belt and open countryside. The Framework sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. These include where there would be a partial or complete redevelopment of previously developed land,

whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.

5. Policy DM.22 of the Wyre Forest District Local Plan 2022 (LP) is listed in the reason for refusal on this matter. I note that this policy is consistent with the Framework. Policy DM.22 of the LP sets out the purposes where development is not considered to be inappropriate in the Green Belt. These include where proposals involve the redevelopment of an identified Previously Developed Site in the Green Belt, in accordance with the site-specific policies contained in Policy SA.PDL of the LP.
6. SA.PDL of the LP notes that schemes should contribute to the achievement of objectives for the use of land in the Green Belt, not exceed the height of the existing buildings, other structures and trees and not give rise to off-site infrastructure problems. SA.PDL of the LP also requires development to minimise its impact through the use of sensitive materials and colours, and to provide extensive landscaping and tree planting to screen boundaries where appropriate.
7. The matter of whether the building is inappropriate or not due to its location on an area of previously developed land is not a disagreement between the parties. The Council note that support is offered to the re-use of previously developed land within the Green Belt in principle. I find no reason to disagree and therefore, I now turn to the matter of openness.
8. Openness is an essential characteristic of the Green Belt that is capable of having spatial as well as visual aspects. The dwelling would be sited in a similar position to that of the existing stable block and would incorporate a taller roof structure and an additional link towards the rear of the internal courtyard to link the two main areas of the property together. Whilst this would be taller and produce a footprint which is larger than the existing stables, these increases to both elements of built form would be marginal. Due to the similar height and footprint of the dwelling, there would not be an unacceptable harm to the Green Belt in purely spatial terms.
9. The Council note that the degree of activity likely to be generated by a development may also contribute to the effects of a development on openness. During my site visit, I noted that in its current form, the stables appear to be able to host several horses at any one time, owing to the large pasture area and the total number of individual isolated pens within each stable.
10. As such, in its existing configuration and use, the activities and comings and goings from the site will generally consist of the turning out of the horses in the morning, putting them into the stables at night and through the use of the menage for riding purposes. These comings and goings could occur at any given time and owing to the large number of horses which could be kept on the site, involve numerous people. In addition, visits from a vet, farrier or general deliveries for the stables may also occur sporadically. These movements and activities will typically be undertaken during the daytime.
11. The proposed development is a single storey dwelling which would accommodate six people in its three bedrooms. The Council suggest that the introduction of domestic noise and activity would erode the openness of the Green Belt. The parking of cars, the visibility of domestic paraphernalia and refuse storage, amongst other things, and the comings and goings associated with a dwelling would create a more residential experience than the existing situation.

12. The comings and goings associated with a dwelling house would be less organised, resulting in movements and activity at various points in the day and at night. However, the number of these movements would be similar to that of the existing operation, owing to the large number of horses which are able to be kept at the site. I do not find that the maximum number of individuals this dwelling would accommodate itself would create a harmful level of additional activity to the openness of the Green Belt. As such, I therefore find that the proposal would not reduce the openness of the Green Belt to an extent that would be harmful due to the similarity in the comings and goings between the existing development and that proposed in this appeal.
13. Discussion is made in relation to the granting of planning permission for nearby developments through applications 17/0764/FULL and 20/0250/FUL. The case officers of these previous applications came to the view that Very Special Circumstances (VSC) existed for those specific sites. The VSC were that the former buildings subject to these applications were falling into disrepair through the length of time they were left vacant and were unlikely to be brought back into their lawful use. As such, the case officers in these applications considered that if redevelopment did not occur than the visual harm of these sites would continue to worsen, leaving both sites vulnerable to anti-social behaviour.
14. In consideration of the appeal site, the Council do not consider that the existing stable block is a harmful building in Green Belt terms and therefore, the similar VSC cannot apply to this case. However, in following the Framework and the requirements of Policy DM.22 of the LP, an assessment of VSC does not need to be undertaken in this appeal as I have found that the proposal would not be inappropriate development in the Green Belt, including in consideration of its effect on openness.
15. To conclude, the proposed development would comply with Policies DM.22, SP.22 and SA.PDL of the LP. In addition to the requirements of Policies DM.22 and SA.PDL as noted above, Policy SP.22 requires new development to protect the character of the landscape.

Character and appearance

16. The proposal would occupy the footprint of the existing stables. Concern is raised with the overall size of the plot. Manor Gardens is a development next to the appeal site. When viewed from Hackmans Gate Lane, properties located here are grandeur in their appearance. They hold significant front garden spaces which provide a formal driveway and sizeable rear private amenity spaces. However, these spaces are not uniform, and some properties in the adjacent development have external areas which are much larger than their neighbours. Turning to the wider area of Hackmans Gate, properties vary in their design, appearance, boundary treatment and the size of their front and rear amenity spaces.
17. As such, although the proposal would host a smaller plot size than those found in the surrounding locality, there is a general variation of plot sizes within the area. The appeal site would host a small, yet not insignificant area to the front of the dwelling which is serviced by an existing access track to Hackmans Gate Lane. This area would provide a turning head, a driveway with access to a carport and a modest area of garden space to its front, with a small internal courtyard surrounded on three sides by the development. The property would also be sited

in a position with a large field to its front. This would help to create a sense of space around the development when viewed from public vantage points along Hackmans Gate Lane.

18. Therefore, owing to the combination of the space provided within the appeal site and the significant surrounding open space to its front, I find that the proposal would not appear cramped in its siting when the variation of plot sizes found in the immediate and wider vicinity is considered.
19. To conclude, proposal would not conflict with Policies SP.20, DM.22 and DM.24 of the LP and would not conflict with the guidance found within the Design Guidance Supplementary Planning Document 2015 (SPD). These policies and guidance seek for development to reflect the characteristics of the site and its surrounding area in terms of its siting and layout, relationship with other development, settlement character, scale, height, design and massing. Furthermore, these policies note that development proposals within the Green Belt must not be detrimental to its visual amenity by virtue of its siting, materials or design.

Living conditions

20. The Council raise concern with the proposed location of the dwelling and the close proximity of the equestrian use of the site, paying particular regard to the existing menage when accessed by individuals who would not reside in the new property. The appellant contends that the menage and the land surrounding the proposed building is in their ownership and therefore, access to its use would be restricted by the appellant. However, in the event that the property or the land surrounding the site was sold, this may not always be the case. The menage is shown on the proposed plans. I have therefore considered that it would be retained and I have assessed the appeal on this basis.
21. The proposed dwelling would incorporate a number of windows into its eastern elevation. These include the provision of a fully glazed door and window arrangement to the living space and main entrance, and a glazed entrance point located next to the carport. These elements would face onto the menage and would present the greatest opportunity for users of the menage to overlook into the proposed building and reduce the privacy of the future occupiers of the proposed dwelling.
22. However, the glazed elements to the living space and the access door to the carport would be covered by external structures. These structures would assist in the reduction of overlooking into these windows due to their low canopy height which would shadow these windows and make visibility into them difficult. A driveway and a small garden area with modest widths would also be located between the canopies of these structures and the menage. This would provide a notable distance of separation between the menage and these windows. As such, this combination would satisfactorily reduce the possibility of overlooking into these windows.
23. The main entrance of the proposal which would host a glazed door and window arrangement would be located a substantial distance from the menage, beyond the private landscaped courtyard. Therefore, owing to this distance, there would be limited opportunity for overlooking to occur into these windows.

24. Turning to the external area of the dwelling, this development would host a small area of outdoor space and a covered patio area which would be located between the property and the menage. Due to their close proximity to the menage and the absence of a significant boundary structure, these areas would be highly visible to users of the menage. Nevertheless, this would not be the only private amenity space available to the proposed dwelling.
25. The dwelling would take the form of a U shape. This would create a private landscaped courtyard in its centre. This area would be open at the front of the dwelling and therefore it would be visible from the menage. However, this area would be limited in its width and flanked by built form. As such, this would restrict visibility from the menage, unless stood directly facing into the entrance point of the courtyard between the two protruding-built forms. In addition, the courtyard would also be separated by a notable distance from the menage. Taking these factors into account, I find that the future occupiers of the proposal would be able to utilise an area of private amenity space, without being overlooked by individuals using the menage.
26. To conclude, the proposal would not be in conflict with Policy DM.24 of the LP and it would not work against the guidance found within the SPD. This policy and guidance seek for development to provide an adequate level of privacy and it should have no serious adverse effect on the amenity of occupiers.
27. The Council refer to Policies DM.22 and SP.20 of the LP in their decision. Policy DM.22 is concerned with development in the Green Belt and therefore is not applicable to this main issue. Policy SP.20 discusses the importance of high-quality design and creating and reinforcing local distinctiveness. These matters are not relevant to the assessment of the effect of the development on the living conditions of its future occupiers. Therefore, I have not considered these policies in relation to this main issue.

Other Matters

28. No additional stable building is proposed to make up the loss of the existing stable block as a result of the proposed development. The Council are concerned that there would be no building on site available for the keeping of horses and, that the proposal would replace an area of parking to the front of the existing stables. In its proposed configuration, the stable block would be removed and the area associated with it for the parking of vehicles would be turned into a driveway associated with the new dwelling. If a stable building or further parking is required, this would be subject to its own application, assessed on its own merits.
29. The Parish Council raise concerns which were highlighted during the application stage. Several of these are relevant to the planning conditions discussed later in this decision. One matter raised is the absence of detail relating to waste collection. The Council have remained silent on this matter. However, there is a bin collection point noted on the plans. Occupiers would be required to travel a considerable distance to Hackmans Gate Lane to remove waste from the property. This activity could be undertaken at the same time which future occupiers may leave the property. In consideration of construction vehicles and access, there is an existing access point into the appeal site, with large areas available for the parking of construction vehicles within the site.

30. Interested parties have commented during the application stage. Comments state that the height of the development would be high when compared to the existing stables. Taller gabled roof forms would be visible from the properties on Manor Gardens. Despite the increase in height, the proposal would not appear harmful when viewed from Manor Gardens due to its single storey height, the distance from these properties to the appeal site and in some circumstances, the window positions of these neighbouring properties and their limited visibility of the proposal.
31. Furthermore, comments suggest that the development would disrupt the living conditions of the occupants of neighbouring properties with regard to a loss of privacy and outlook. In consideration of this matter, as a single storey structure, and with its windows at a ground floor level with a boundary treatment between these neighbouring properties and the appeal site, I do not consider that the proposal would result in any significant loss of privacy or outlook to the occupants of neighbouring properties. Concerns relating to the loss of a view are not a material planning consideration.

Conditions

32. The Council did supply a specific list of conditions for my consideration in the event that the appeal was allowed. I have consulted the parties on any amendments undertaken on the conditions listed, based on the suggestions and any comments received from other consultees. This is to ensure that they meet the tests set out in Paragraph 57 of the Framework.
33. In addition to the statutory time condition [1], I have attached a condition which specifies the approved plans [2], which is necessary in the interests of certainty.
34. A condition which requires the details of the materials to be used on the external surfaces, including that of the hard surfacing, boundary treatments and fenestration details [3] is necessary to ensure that the finished appearance of the development is appropriate. A condition which requires the submission of a scheme for surface water drainage [4] is necessary to secure the appropriate drainage for the proposal and the appeal site. I have imposed a condition which requires the removal of all of the buildings which are indicated as being demolished, including any building material prior to any development above ground level [5]. This is necessary to ensure that the site remains tidy so that it does not have a negative effect on the character and appearance of the area.
35. It is necessary to impose a condition which requires the discharge of foul water into a sewer system [6], or through an alternative solution, to ensure that foul water can be adequately removed from the site. A condition which requires the submission of a scheme to secure renewable or low carbon energy resources [7] is necessary to secure a sustainable energy solution. Furthermore, a similar condition with regard to the submission of a water consumption scheme [8] is necessary to reduce water consumption of the development.
36. It is important and therefore necessary that the development is not occupied until the access layout and arrangement [9] and the turning head, cycle parking and car parking areas [10] have been carried out and provided, in the interests of highway safety. The provision of a CEMP prior to the commencement of development [11] is necessary to ensure that species are not harmed during the site clearance or construction of the scheme.

37. A condition has been included in the schedule of conditions which has undergone significant changes following a similar condition which was suggested by the Council. This condition requires the submission of a Habitat Management and 30 Year Monitoring Plan, and a completed Biodiversity Net Gain Plan to the local planning authority [12]. The appellant is of the view that as the proposal was submitted prior to the introduction of national mandatory Biodiversity Net Gain as required by The Environment Act 2021 and therefore, the proposal should not be subject to the requirements of Biodiversity Net Gain.
38. However, Policy SP.23 of the LP notes that the Council will expect proposed developments to deliver measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. The LP was adopted in 2022. This was before the submission of the planning application. Therefore, I find that in following Policy SP.23, the provision of condition 12 is necessary to meet the requirements of Policy SP.23 of the LP.
39. The submission of full external lighting details [13] is necessary. This is due to the location of the building where the effects of excessive light spill and therefore pollution would be experienced and to protect the movement of protected species. To prevent unacceptable disturbance outside of the working day, a condition controlling the hours of the construction operation of the site is justified [14]. To protect the environment and human health a condition is required to address the risk of contamination on the site if discovered [15].
40. A condition which removes the permitted development rights with regard to Classes A, B, C, E and F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) [16] is necessary to safeguard the character and appearance of the site.

Conclusion

41. For the reasons given above the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers listed below:
 - Proposed Site Plan: 23-024/002 REV A
 - Block Plan: 23-024/03 REV A
 - Proposed Plans and Elevations: 23-024/04 REV A
 - Access Arrangement: 1209-SK1
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including that of the hard surfacing, boundary treatments and fenestration details, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide information about the design, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - b. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 5) No development above ground level shall take place until all buildings indicated as being demolished, as shown on the approved plans, including any building material and hardcore, are removed from the site.
- 6) Foul water from the development shall discharge to a sewer system. If investigations reveal that a connection to the sewer system is not possible for this site, details of an alternative non mains drainage solution shall be submitted to, and approved in writing by the local planning authority prior to relevant works commencing. The foul drainage solution shall be implemented prior to the first

occupation of the development and maintained for the lifetime of the development.

- 7) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.
- 8) The development hereby permitted shall not be occupied until the full details of how the development will achieve a water consumption rate of no more than 110 litres per person per day have been submitted to and approved in writing by the local planning authority. The water consumption details shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.
- 9) The development hereby permitted shall not be occupied until the access layout and arrangement, as shown on Drawing No. 1209-SK1 (Access Arrangement) has been carried out in accordance with the approved details and shall be maintained for the lifetime of the development.
- 10) The development hereby permitted shall not be occupied until the access track, turning head, cycle parking and car parking areas, including the double car port, as shown on Drawing No. 23-024/002 REV A (Proposed Site Plan) have been provided.
- 11) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following working practices and information:
 - a. Details of those responsible for the actions and measures set out in the CEMP and what checks and measures will be put in place to assure their effectiveness through the construction phase of the development hereby approved.
 - b. Measures to protect itinerant animals from the effect of the construction works and activities.
 - c. Information which details that the construction phase of the development hereby approved can be realised without the use of external lighting. If this is not possible, then an ecological study shall be carried out that clearly demonstrates on a site layout plan (to scale 1:100 or 1:200) how the site can be lit without impacting on protected species and these details shall be submitted as part of the CEMP and the lighting shall thereafter be installed in accordance with the details agreed.
 - d. Details of vegetation clearance, including a timetable for this clearance. These clearance works shall not be undertaken within the bird nesting season (1st March to 1st September), unless the services of qualified ecologist are employed to ensure that there shall be no harm to nesting birds during this period.

- e. Details of all fencing and barriers needed to protect ecologically sensitive areas, including trees, hedges and habitats from the effects of the construction works. Information shall also detail the responsibility of the management of this fencing and the methodology that shall be employed to assure the measures are in place throughout the construction of the development.
- f. If a protected species is found within the development site, what actions shall be undertaken.
- g. The contents of toolbox talks, how they shall be delivered and by who.

The approved CEMP shall be adhered to throughout the construction phase of the development.

- 12) Prior to the commencement of the development, a Habitat Management and 30 Year Monitoring Plan, and a completed Biodiversity Net Gain Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management and 30 Year Monitoring Plan shall detail habitat creation and enhancement measures informed by the Biodiversity Net Gain Plan. The development shall be carried out in accordance with the approved details.
- 13) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 14) Demolition or construction works shall take place only between 07:30 – 18:00 on Monday to Friday, 08:00 – 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 15) Any contamination that is found during the course of construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, E and F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.