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## Appeal Decision

Site visit made on 17 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

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**Appeal Ref: APP/J3720/W/24/3352743**

**The Corner Cottage, Pratts Lane, Mappleborough Green, Warwickshire B80 7BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Julie Farrell against the decision of Stratford-on-Avon District Council.
  - The application Ref 24/00570/FUL was approved on 18 July 2024 and planning permission was granted subject to conditions.
  - The development permitted is change of use of land from agricultural to equestrian and construction of stabling, storage and manege.
  - The condition in dispute is No 7 which states that: The surface of the manege hereby permitted shall only utilise a biodegradable wood fibre surface material.
  - The reason given for the condition is: In order to protect the amenities of this rural area, having regard to Policies AS.10, CS.5 and CS.9 (and CS.10, CS.11 or CS.12 where appropriate) of the Stratford-on-Avon District Core Strategy 2011-2031.
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### Decision

1. The appeal is allowed and the planning permission Ref 24/00570/FUL for change of use of land from agricultural to equestrian and construction of stabling, storage and manege at The Corner Cottage, Pratts Lane, Mappleborough Green, Warwickshire B80 7BW granted on 18 July 2024 by Stratford-on-Avon District Council, is varied by deleting condition 7.

### Applications for costs

2. An application for costs was made by Julie Farrell against the decision of Stratford-on-Avon District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal are unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

### Main Issue

4. Planning permission was granted, subject to conditions for the change of use of the appeal site from agricultural to equestrian and construction of stabling, storage and a manege. The appeal requests the variation of Condition 7 imposed on that permission, which requires the surfacing of the manege to utilise only a biodegradable wood fibre surface material. The appellant proposes the use of

sand and recycled flag/rubber surface, as originally specified on their application form and in their Planning Statement.

5. The main issue is whether the condition is reasonable and necessary to protect the rural area having regard to the development plan.

## Reasons

6. The appeal site relates to agricultural land to the rear of The Corner Cottage. The Council's reason for the condition is to protect the amenities of the rural area in line with the specific policies cited within the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS). The Council have not explained what it meant by 'to protect the amenities of the rural area'. Moreover, the Council have not explained precisely how policies AS.10, CS.5, CS.9, CS.10, CS.11 or CS.12 of the CS are relevant to their reasons for imposing the disputed condition.
7. There is no dispute between the main parties that the appeal site is located in the countryside, the green belt and within the Arden Special Landscape Area. However, the Council have not provided any precise reasons for the disputed condition relevant to the location of the appeal site in terms of any specific requirements in Policies AS.10, CS.10 or CS.11. The appeal site is not located within the Cotswolds Area of Outstanding Natural Beauty and Policy CS.12 is not therefore relevant to the reason for imposing the disputed condition.
8. Policy CS.9 of the CS advises that all development should reflect the character and distinctiveness of the locality and be environmentally sustainable and use local materials where possible. Policy CS.5 of the CS requires development to minimise and mitigate its impact on landscape character. The image in the Planning Statement indicates that a sand and recycled flag/rubber surface would be a dark in colour. I have not been provided with any substantive evidence to suggest this surface would be more harmful to the character and appearance of the area than a biodegradable wood fibre surface.
9. Furthermore, sustainability and amenity are entirely different issues and the Council's Officer report raises no specific concerns with regards to the proposed materials within the climate change and sustainable construction section of their report. A recycled flag/rubber surface could be less sustainable or local than a biodegradable wood fibre surface. However, the appellants submissions provide adequate rationale for this choice of surfacing, indicating that it is an equestrian surfacing commonly utilised as it is safer for horses as it would be less prone to slips, avoids rapid degradation of surfacing and dust formation.
10. The Council confirm that the disputed condition was imposed in line with advice received from their Environmental Health Officer (EHO). However, the EHO do not provide reasons for the disputed condition.
11. The Council have also provided a copy of Part G of their Development Requirements SPD Final Composite Version. However, there is no specific guidance relating to the surfacing of maneges within this document. Therefore, this does not provide justification for the disputed condition.
12. The disputed condition also conflicts with Condition 3 of the Council's decision which states: *"the materials to be used externally on the development hereby permitted shall comply in colour, form, profile and texture with the details shown on*

*the approved plans and as submitted application form, shall be constructed and completed before the development is first occupied or used and thereafter so retained".* This is because the application form specifies the use of a sand and recycled flag/rubber surface.

13. Overall, having reviewed each of the cited policies, none of them specifically require the use of a biodegradable wood fibre surface. No clear justification for its use has otherwise been provided, and I find no necessity for it to be used. As a consequence, the disputed condition is not necessary to make the development acceptable in planning terms. As Condition 3 otherwise secures use of the appellant's preferred surfacing material, there is no need for Condition 7 to be amended.
14. I conclude that the disputed condition is not reasonable and necessary to protect the rural area having regard to the development plan, and that it should be deleted.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

*H Marriott*

INSPECTOR