



Appeal Decision

Site visit made on 11 February 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/T3725/W/24/3349909

Land North of Bakers Lane, Knowle, Solihull B93 8PT

- 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 Mr Edmond Flaherty against the decision of Warwick District Council.
 - The application Ref is W/23/1472.
 - The development proposed is the change of use of land to the keeping of horses and the erection of two stables and tack room.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to the keeping of horses and the erection of two stables and tack room at Land North of Bakers Lane, Knowle, Solihull, B93 8PT in accordance with the terms of the application, Ref W/23/1472, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: location plan (unnumbered) and Proposed Plans and Elevations of Stables (unnumbered).
 - 3) A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The approved HMMP shall be implemented in accordance with the approved plan.
 - 4) The development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, supervised site clearance, procedure should great crested newts be found, reasonable avoidance measures during construction, toolbox talk, and procedure for safe storage of materials) has been submitted to and approved in writing by the local planning authority. The approved mitigation measures shall thereafter be implemented in full.

Applications for costs

2. An application for costs was made by Mr Edmond Flaherty against Warwick District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above is taken from the application form, however, I have omitted the address of the site as this is not an act of development.
4. Concern has been expressed regarding the validity of the application and subsequent appeal having regard to the ownership of the appeal site. The planning application was accompanied by Certificate A, which, given the appellant's leasehold interest in the land, I am satisfied addresses the matter correctly. Furthermore, the Council has not contested the validity of the application.
5. The appellant indicates that the appeal site should in fact cover a smaller area of land than that outlined in red on the submitted location plan. However, amended plans have not formally been submitted as part of the appeal proposal. Accordingly, for the avoidance of doubt, I have determined the appeal based on the drawings that were before the Council when it made its decision.

Main Issue

6. The main issue is whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

7. The appeal site comprises land within the Green Belt. The Framework sets out that development in the Green Belt is inappropriate, unless specific exceptions apply. These include, at paragraph 154 b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. Policy DS18 of the Warwick District Local Plan 2011-2029, adopted September 2019 (WDLP), sets out that the Council will apply national planning policy to development within the Green Belt.
9. The appeal proposal seeks the change of use of land for the grazing of horses and a stable building comprising 2 stables and tack room. The site forms part of a wider area of pastureland subdivided with post and rail fencing into separate parcels. The Council indicate that stable buildings can be appropriate facilities associated with outdoor sport and recreation where they are small scale and limited to the maximum size deemed ancillary to the grazing of horses on the land. Furthermore, it is satisfied that the materials, appearance and size of the stable building would be appropriate for the proposed use and location.
10. The Council's main concern is whether the proposal would comprise the provision of appropriate facilities with regard to the amount of grazing land, particularly given the leasehold nature of part of the land to which the appeal relates. My attention is drawn to the British Horse Society recommendation of a minimum of 1 acre of grazing land per horse, which would trigger a requirement of 2 acres to serve the number of stables proposed in this case.

11. Concern has been expressed by interested parties and the Council regarding land ownership and the availability of land in the long term to support the equestrian use of the site. I understand that a significant part of the land to which the appeal relates is leased by the appellant. However, the appeal submissions indicate that the front part of the site adjacent to Bakers Lane, which covers in excess of 2 acres, on which the stables would be sited, is owned freehold by the appellant.
12. The Council indicate that, when taking account of the position of the access drive, the extent of uninterrupted land within the ownership of the appellant amounts to less than 2 acres. Nonetheless, it has not been shown how the arrangement of the land owned by the appellant, including its severance by fencing and the driveway, would prevent it being used for grazing by the horses to be accommodated within the proposed stables. Consequently, even in the event that the lease was terminated, and the leasehold land became unavailable, there would be adequate land within the ownership of the appellant, and available for the grazing of horses, to satisfy the British Horse Society recommendations. Moreover, there is no substantive evidence that this land would not otherwise be available for such purposes.
13. Having regard to openness, the Council confirm that buildings like that proposed would meet the exception at paragraph 154 b) and I have no reason to disagree. As such, given my findings in relation to the provision of grazing land, I therefore conclude that the proposal would not constitute inappropriate development in the Green Belt. Furthermore, given the location and modest scale of the proposal, the development would not conflict with the purposes of including land within the Green Belt, including safeguarding the countryside from encroachment. Accordingly, it would not conflict with Policy DS18 of the WDLP or the provisions of the Framework.

Other Matters

14. The Council is satisfied that, subject to suitable planning conditions, the proposal would not harm protected species, and there is no substantive evidence to lead me to reach a different conclusion. Moreover, it has not raised an objection to the proposal in terms of the character and appearance of the area. Given the scale, siting and design of the proposed stable building, I have no reason to disagree.
15. My attention is drawn to previous applications for similar development at the site for which planning permission was refused by the Council. However, I have determined the appeal on its own merits based on the evidence before me.
16. Whether or not planning permission was sought for development that has taken place on land beyond the appeal site, or development for which planning permission has been granted previously has been implemented in accordance with the approved plans, are not matters for consideration as part of the appeal.
17. Interested parties also allege an attempt by stealth to install residential buildings on the site. However, this matter falls outside of the remit of this decision and is not relevant to my consideration of the appeal.

Conditions

18. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework.

Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans to provide certainty.

19. Conditions to secure the agreement and implementation of a Habitat Management and Monitoring Plan and a detailed schedule of great crested-newt mitigation measures are necessary to deliver and monitor biodiversity net gain on the site and prevent harm to protected species during the construction of the development. However, I have omitted the detailed list of information requirements suggested by the Council in relation to the former so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed. These conditions are pre-commencement conditions because the protection measures and mitigation need to be agreed before any works on site take place.

Conclusion

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

E Worley

INSPECTOR