



Appeal Decisions

Site visit made on 14 January 2025

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal A - Ref: APP/P0119/W/24/3344087

Cattybrook Stables, Ash Lane, Almondsbury, South Gloucestershire BS32 4BY

- 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 Adam Machin against the decision of South Gloucestershire Council.
- The application Ref is P23/00788/F.
- The development proposed is described as "Retrospective planning permission for the change of use of the land from horse exercise arena (granted in 2005 and amended in 2011 – PT05/1573/F & PT11/3150/RVC) to storage of caravans, related ancillary functions, together with replacement of hardstanding and drainage works."

Appeal B - Ref: APP/P0119/C/24/3344085

Land at Cattybrook Stables, Ash Lane, Almondsbury

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Adam Machin against an enforcement notice issued by South Gloucestershire Council.
- The notice was issued on 5 April 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the change of use of land from an equestrian use to a mixed use of sales, storage and servicing of caravan and motor vehicles. The construction of a large area of hard standing and decking to facilitate the change of use.
- The requirements of the notice are to:
 1. Permanently cease the use of the land for the storage, sales and servicing of caravans and motor vehicles.
 2. Remove all associated caravans and motor vehicles from the land.
 3. Permanently remove all hardstanding (permeable tarmac) associated with the storage, sales and servicing of caravans and motor vehicles from the land and restore the land to its former condition.
 4. Permanently remove decking associated with the office.
 5. Restore to grassland the excavated area, approximately marked on Appendix 1 and labelled "return to grass".
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. It is directed that the enforcement notice is varied by:
 - The deletion of requirement 5 from the requirements of the Notice, and

- The deletion of three months and its substitution with six months as the time for compliance.

Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. Since the submission of the appeal the Government has issued a revised National Planning Policy Framework (the Framework). In relation to the main issues in these appeals, the main parties have been given the opportunity to comment on the revisions and I have taken these into account when making my decisions.

Appeal A – the planning appeal

Main Issues

4. The main issues are:

- Whether or not the development is inappropriate development in the Green Belt,
- The effect of the proposal on highway safety,
- Whether the development is at a suitable location in respect of accessibility, and
- If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

5. The scheme comprises the change of use of land, and this is what was applied for and stated on the planning application form. Paragraph 154(h) of the Framework states that certain forms of development, such as material changes in the use of land, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The development results in the stationing of caravans within the appeal site, which has been facilitated by the installation of a permeable tarmac area. While the appellant states that the only impact on openness would be transient and easily reversible, in my view this underplays the development's effect. The effect of the caravans is substantial and the number of them results in a significant effect on the openness of the Green Belt at this location, in both spatial and visual terms. I acknowledge that the caravans are moveable, nonetheless this does not diminish the effect on openness resulting from their stationing on site as a result of the change of use.
7. There is also reference to the construction of a decked area that is positioned close to the portacabin on site. While I note that this is a feature that is low in its height and positioned between buildings, it nonetheless introduces a new built element to the location, that facilitates part of the change of use, and which does

albeit to a limited degree reduce openness through an increased quantum of built development within the site. This therefore contributes to the loss of openness that I have identified.

8. The Framework also sets out that the re-use of buildings, provided that they are of permanent and substantial construction, is also not inappropriate, provided that it preserves openness. I consider that the scheme should be properly considered as a change of use, the use of the buildings facilitates this use. In any event, I have found that openness would not be preserved by the development and thus this exception does not lend weight to the scheme.
9. That there is other existing development nearby, to which the appellant draws my attention, does not lessen the harm that results from this specific scheme.
10. In addition, paragraph 155 explains that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:
 - It would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - There is a demonstrable unmet need for the type of development proposed; and
 - The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
11. Grey belt is defined within the glossary to the Framework as, *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*
12. In my view, the appeal site does not strongly contribute to any of the purposes as set out at (a), (b) or (d) of paragraph 143. The grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here. Accordingly, I find that the site can be considered to be grey belt.
13. Turning back to paragraph 155, in respect of criterion a), I have found that the site is grey belt and that the three stated purposes of Green Belt are not compromised. As to the other two purposes, the effect in terms of encroachment of the countryside (purpose c) is minimal, given the small size of the site, and there can be no effect in respect of urban regeneration and the recycling of derelict land (purpose e), given the site’s location remote from any urban area. Accordingly, the development does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
14. In respect of the remaining criteria, there is no evidence before me that there is a demonstrable need for the particular type of development in this case. Moreover, I find below that the development would not be at a sustainable location. Therefore, the development conflicts with these requirements.

15. Thus, there is conflict with paragraphs 154 and 155 of the Framework. The development also conflicts with policy CS5 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) (the Core Strategy), and policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) (the PSP Plan). Together, and amongst other things, these seek to ensure that development in the Green Belt accords with the Framework and that designated Green Belt is protected from inappropriate development.

Highway safety

16. The development is served by a single-track country lane, which joins a two-lane carriageway a short distance from the appeal site. I am conscious of the Council's concerns over the use of this lane by vehicles towing caravans, given its width and that there is a double bend along its length. While the appellant seeks to compare the vehicle generation of the development against that of an equestrian use of the site, I am particularly conscious that the Council highlight that an equestrian use remains on the remainder of the site that is not taken up for caravan storage. As such, rather than comparing the trip generation, in my view, they should be taken together. This would result in traffic movements to the site more than doubling.
17. Accident data has been provided for the junction of the lane and the carriageway, which indicates that there has been a single accident recorded here, involving a vehicle exiting from the lane. While I am conscious of the findings of the transport assessments submitted with the application and the appeal, when driving out of this junction at the time of my visit I was conscious of a restricted amount of visibility of oncoming traffic as well as the speed of traffic travelling along the road. The increased usage of this junction by vehicles, particularly those towing caravans which as a result may take longer to exit the junction, would in my view result in a risk to road users.
18. As such, I find that the development would result in an unacceptable detriment to highway safety at this location. Thus, the scheme conflicts with policy PSP11 of the PSP Plan, insofar as it seeks to ensure that development does not unacceptably affect road safety.

Accessibility of location

19. The appeal site is located away from any built-up area and given the nature of the development, attracts visiting members of the public to the site. While acknowledging that the operation involves online sales, I find it likely that customers would seek to view the caravans and motorhomes that are being sold and this would necessitate visiting the site. As such, access to the location by means other than the private car should be available. I have not been provided with any information demonstrating that this is the case. Therefore, there is insufficient evidence to show that the development is at a suitable location in respect of accessibility.
20. Accordingly, the development conflicts with policies CS1 and CS34 of the Core Strategy, as well as policies PSP11, PSP27 and PSP28 of the PSP Plan. Together, and amongst other things, these policies seek to ensure that development is well integrated with transport links, reduces the need to travel, is located with appropriate access to public transport services and performs appropriately in terms of accessibility.

Other considerations

21. I note that the development provides rural jobs and serves the recreational and tourism sector. The appellant has also highlighted that it would use redundant land.

Overall finding on planning appeal

22. The development is inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above. However, these are not sufficient to amount to the very special circumstances necessary to justify the development. Therefore, the development conflicts with the Framework, as well as policy CS5 of the Core Strategy and policy PSP7 of the PSP Plan, insofar as they seek to prevent inappropriate development in the Green Belt.

Appeal B – the enforcement notice appeal

Ground (b)

23. An appeal under ground (b) is that the matters, as stated in the enforcement notice, have not occurred.
24. The appellant contends that the servicing of motorhomes and caravans does not take place on the appeal site but is a mobile service that takes place away from the location. It is further stated that the only servicing that takes place is an ancillary activity to the main activity of the sales of the motorhomes and caravans.
25. While I note this information from the appellant, I am also particularly conscious of the contents of the Planning Statement that accompanied the linked planning appeal, which I have considered above. At 3.5 of that statement, it states that there is a range of other activities taking place at the appeal site including “Servicing, warranty, and insurance work, including some bodywork repairs, panel replacements and paintwork.” In my view, this level of servicing goes beyond what can be considered as an ancillary feature but is part and parcel of the use that is taking place. Given that the linked planning application details this activity retrospectively the appellant accepts that it has taken place.
26. The appellant also seeks to argue ground (b) in respect of the requirement of the enforcement notice to restore an area of land to grass following its excavation and the installation of drainage. However, ground (b) is not related to the requirements of the notice, rather it is about the matters alleged. As such, this is not a matter that I consider under this ground but will consider under ground (f) below.
27. For the above reasons, the appeal under ground (b) fails.

Ground (a) - the deemed planning application

28. The appellant seeks planning permission, under the deemed planning application, only for the permeable tarmac area. For the reasons that I have set out above when considering the linked planning appeal, the permeable area of tarmac is facilitating the material change of use that is alleged in the notice and represents part and parcel of the development that is inappropriate development in the Green Belt. In the Planning Statement, the appellant accepts that the tarmac area is facilitating the use of the land.

29. In this respect, it is not a development in its own right and is not severable from the development as a whole. To grant permission for a separate hardstanding, the use of which has not been made clear, would not be part of the matters alleged within the breach. Therefore, it cannot be separated from the change of use that is alleged in the notice.
30. Accordingly, as I have found above, the development that has taken place, which includes the hardstanding is not acceptable, conflicts with the stated policies and thus the appeal under ground (a) must fail.

Ground (f)

31. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. The enforcement notice seeks the cessation of the use, the removal of all caravans and motorhomes, the removal of the hard surface and decking, and the restoration of part of the site. As such the purpose is clearly to remedy the breach.
32. The principal argument made under this ground is that the removal of decking that has been constructed is excessive. However, this element is a facilitating element of the unacceptable change of use. Whether or not this element would be acceptable in its own right is not a relevant matter. In my view, seeking its removal is not excessive given that it is part of a development that is inappropriate in the Green Belt.
33. Additionally, the enforcement notice includes a requirement to return an area of land to grass. The Council state that it was considered that this area of land was being excavated in order to extend the unauthorised area of hard surface. However, the appellant states that this area of land was excavated in order to install drainage. I observed at the time of my visit that the area had already been laid to grass. This part of the site and the works that have taken place are unrelated to the breach of planning control as set out in the allegation in the notice. As such, I find that this requirement is excessive and should be deleted. The appeal under ground (f) succeeds to this limited extent.
34. The appellant also refers to the requirement to remove the tarmacked area and restore the land to its former condition. It is contended that there is no approved or agreed "former condition" to restore this part of the site to, as well as that a different surface treatment to that which has been constructed would not harm the openness of the Green Belt. However, the appellant sets out again in the Planning Statement that accompanied the planning application, that the site was previously finished in a loose material that was suitable for horses. The appellant is therefore clearly aware of what the area was previously surfaced in and is best placed to be able to restore that surface. In respect of a different material, the use of a hard surface facilitating the change of use has resulted in a loss of openness of the Green Belt, through the ability to store caravans and motorhomes on the site. Clearly the purpose of requiring the removal of the tarmac area is to prevent this from occurring in the future. As such, I find no reason to conclude that the requirement to remove the tarmac and to restore the land is in any way excessive.
35. Accordingly, the ground (f) succeeds to the limited extent set out above, and the relevant requirement will be deleted.

Ground (g)

36. The ground of appeal is that the time given to comply with the notice is too short. The notice requires the compliance with all requirements within three months.
37. I acknowledge that a commercial operation takes place at the site and that it may take some time for a suitable site to be found for this to be relocated to. However, I consider the twelve months suggested by the appellant to be excessive. In these circumstances, I shall extend the period to six months, which in my view strikes an appropriate balance between the rights and needs of the appellant and their business, and the legitimate aim of remedying the breach of planning control.
38. Accordingly, the appeal on ground (g) succeeds to this limited extent.

Overall Conclusion

39. For the reasons given above, the appeal against the refusal of planning permission is dismissed.
40. In relation to the appeal against the enforcement notice, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Martin Allen

INSPECTOR