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## Appeal Decision

Site visit made on 14 April 2025

**by U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20 May 2025**

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**Appeal Ref: APP/Y3425/W/25/3359762**

**Land Adjacent Moreton House Farm, Bishton Lane, Wolseley Bridge, Staffordshire ST18 0XD**

- 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. and Mrs. Tabernor against the decision of Stafford Borough Council.
  - The application Ref is 24/39577/FUL.
  - The development proposed is change of use of land to dog walking field and associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. While the paragraph numbers in the Framework referred to in the Council's Decision Notice have changed, the relevant paragraphs identified as directly affecting this case have not been fundamentally changed. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

### Main Issues

3. The main issues in this appeal are:
  - whether the location of the site is suitable for the proposal having regard to the development plan and the Framework; and
  - whether the proposed development would provide safe and suitable access for all users.

### Reasons

#### *Location*

4. The appeal relates to an agricultural field adjacent to Moreton House Farm and is surrounded by other agricultural fields in open countryside. The site is outside of the settlements identified in Policy SP3 of the Plan for Stafford Borough 2011-2031 (June 2014) (the PSB).
5. Policy SP7 the PSB indicates, amongst other matters, that development outside of the settlement boundaries will only be supported if it is consistent with Policies SP6, E2 and C5 of the PSB, does not conflict with the environmental protection and nature conservation policies in the PSB and provision is made for any

necessary mitigation or compensation measures to address any harmful effects of the proposed development. It is not disputed by the main parties that the proposal complies with Policy SP6, and I have no reason to find otherwise. Policy C5 relates to residential proposals outside of the settlement hierarchy so does not apply in this case.

6. Policy E2 relates to rural areas outside of the identified settlements and supports the achievement of rural sustainability by encouraging the listed types of proposals in i) to xi) of the policy. This includes v) diversification of the agricultural economy and vii) facilities for tourism and recreation uses appropriate to a rural location. The proposal for a dog walking field would therefore, in principle, be acceptable in this respect.
7. Policy E2 requires all development in rural areas outside of the settlement boundaries to meet the listed criteria in a) to h) of the policy, where appropriate and feasible. The appeal site is well related to an existing farmstead, satisfying criterion b). I have no basis question that the proposal would prejudice any viable agricultural operation on a farm or other existing viable uses, required by criterion c). Given the nature and scale of the proposal, it would comply with the remaining relevant criteria relating to the natural landscape, vernacular character, design and heritage. Consequently, I find that the proposal would comply with Policy E2 of the PSB.
8. The Council has referred to conflict with Policy SP1 of the PSB which says that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Framework identifies three overarching objectives - economic, social and environmental, within its purpose of achieving sustainable development.
9. Chapter 9 of the Framework promotes sustainable transport which includes identifying and pursuing opportunities to promote walking, cycling and public transport use. It recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The appeal site is approximately 2.5 kilometres from the village of Great Heywood, the nearest settlement to the site. Vehicular access to the site is from the A51 Lichfield Road onto Tolldish Lane, an unclassified single track road and Moreton Lane, the last section of which is unmade track. The proposed dog walking field is approximately 2.8 kilometres from the A51. As such, the site is in a remote location in terms of public transport and not within an easy walking distance from surrounding settlements. Therefore, it is highly likely that future users of the proposed dog walking facility would be reliant on car transport. On the evidence before me, it has not been demonstrated that opportunities to promote walking, cycling and public transport have been explored to make the location more sustainable.
11. The proposed facility would operate between 7:00am and 8:00pm in the spring and summer months and between 8:00am and 4:00pm in the autumn and winter months. The appellant's statement indicates that bookings will be required to use the facility with each booking slot lasting 45 minutes. Although no more than two cars would be allowed per booking, given the number of slots that would be available each day, this would produce a not inconsequential volume of vehicular

movements. This is especially as the site is poorly located with regard to sustainable transport choices and opportunities to promote walking, cycling and public transport use to the site have not been identified and pursued.

12. For the reasons given, the location of the site is not suitable for the proposal. The proposal would conflict with Policy SP1 of the PSB which reflects the Framework's goal of achieving sustainable development. It would also be contrary to paragraphs 89, 109 to 112 of the Framework which requires proposals to exploit any opportunities to make a location more sustainable and to identify and pursue opportunities to promote walking, cycling and public transport use.

#### *Safe and suitable access*

13. Vehicular access to the site is from the A51 Lichfield Road onto Tolldish Lane, which is a single track road with raised embankment and hedges on both sides for the majority of its length. There are limited passing places along Tolldish Lane. Therefore, in the event of a driver meeting another user (pedestrian, horse rider, cyclist, other driver) in the lane, there would be limited safe facilities to pass one another.
14. Tolldish Lane connects to a number of agricultural farms and dwellings including Moreton House Farm, Lower Swansmoor Farm and Moreton Barn Farm. Given the increase in vehicular movements that would arise from the proposal, there would be an increase in the potential for conflict between existing and future users of the lane. Despite a 15-minute gap between booking slots, future users of the site may arrive or leave later or earlier than the allocated time so there would also be potential for conflict between future users of the proposal.
15. Tolldish Lane changes to Moreton Lane and continues as a single track eastwards towards the appeal site. At the point where the lane meets the access to Lower Swanmore Farm House, it becomes a private lane with a Public Right of Way (PROW) Bridleway status (Colwich 23) which runs in a south-east direction towards the appeal site.
16. The proposal does not include any additional passing bays along the single track to the site including Colwich 23. The narrowness of the access lane and limited number of existing passing bays along the route to the site means that the proposal would not provide safe and suitable access for all users.
17. I am advised that by the Council's PROW Officer that where private rights exist that allow the use of vehicles along a bridleway, drivers of vehicles must give way to pedestrians, horse riders and cyclists. While there is a warning sign located in Moreton Lane advising of potential horse riders, there is no existing or proposed sign along the private access to alert drivers to the potential presence of horse riders.
18. Furthermore, where Colwich 23 meets the access to Moreton Barn Farm, the lane becomes uneven with raised ground in the centre and loose gravel. This would pose risks to users of the proposal, particularly during poor weather conditions when uneven surfaces can become waterlogged or frozen and increase danger, particularly to drivers of smaller vehicles which are more sensitive to surface irregularities. The lack of proper surfacing would result in poor traction, increased risk of vehicle damage and dangerous conditions for drivers. Therefore, the current

condition of the access is not considered fit for increased traffic and would significantly compromise safety.

19. The appellant contends that the lane is largely straight and affords very good forward visibility so that approaching traffic will be able to clearly observe any on coming users. Even though there are passing places at certain points along Moreton Lane, it remains that the whole length of the private access to the site does not have any passing places. As the length of the private access is not insignificant, delay and potential congestion would be caused.
20. I acknowledge there is likely little traffic currently using the private section of Moreton Lane. However, the proposal would increase vehicular movements in this section which would increase the potential for lane-user conflict given the lack of passing places. Furthermore, access to the site is required from Tolldish Lane, which as outlined earlier, is used by several farms and dwellings in the area, giving rise to potential for conflict between traffic generated by those properties and the appeal proposal.
21. The appellants indicate that they are agreeable to the imposition of a condition requiring the provision of signage along the track to make users of the public bridleway aware of potential vehicles, should the appeal be allowed. The appellants have also submitted a plan showing their land ownership adjacent to Moreton Lane to demonstrate that, if required, a planning condition could be imposed to secure the provision of additional passing spaces along the private access. I accept that with appropriate conditions, this could resolve the issue of insufficient passing bays and signage along the private access. However, it would not resolve my concerns regarding the limited number of passing places along Tolldish Lane and the unfit surface of the private access for intensified use.
22. For the reasons given, the proposal would not provide safe and suitable access for all users. It would conflict with paragraph 110, 115 and 117 of the Framework insofar as it requires development to provide safe and suitable access to the site for all users and minimise the scope for conflict between pedestrians, cyclists and vehicles.

### **Other Matters**

23. The appellants have drawn my attention to two dog walking parks which have been granted consent<sup>1</sup> in the area. However, both dog walking parks are accessed via tarmacked roads. Therefore, these examples do not provide a direct comparison to the appeal scheme. In any event, I have considered the proposal based on its own merits.
24. A letter of support from Moreton Cottage contends that development schemes consented in Bishton have not been required to provide signage or passing places even though Bishton Lane has more traffic. However, I do not have the full details of these schemes so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits. Reference has been made to an alternative route which farm traffic can use, to the north of the site. While a photograph has been submitted, I do not have details of the precise location or other information regarding this alternative access for farm vehicles so I cannot be certain it would be suitable. In any event, as outlined

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<sup>1</sup> Ref. 19/30553/COU and 22/36370/COU.

above, there would be potential for conflict between future users of the proposed dog walking facility along the access route.

25. A letter of support from an elected ward member for the area suggests that the proposal could also be accessed from Bishton Lane. However, the proposal before me does not provide for any access from Bishton Lane. The ward member points to Policy CLE1 of the Colwich Parish Council Neighbourhood Development Plan 2011-2031 (the NDP) which encourages proposals that create or facilitate employment of people living in the area. However, the NDP also expresses safety concerns about the number of cars using narrow, rural lanes, seeks to reduce the need to travel and encourages the use of sustainable or shared forms of transport through Policy CTR2.
26. I have carefully considered the reasons why the appellant has proposed the development which includes the Covid-19 pandemic, extreme wet weather causing failed crops and low yields, financial viability of Moreton House Farm and High Speed Rail 2. However, these factors do not alter or outweigh my concerns regarding the site's poor accessibility by sustainable transport modes and unsafe and unsuitable access.
27. Compliance with the development in relation to the environmental and nature conservation policies and light pollution are expectations for all development and would count neither for nor against the proposal.

### **Conclusion**

28. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*U P Han*

INSPECTOR