



Appeal Decision

Site visit made on 9 April 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/F1610/W/24/3351725

Land Parcel to the North of The Byre, Badsey Lane, Willersey, Evesham, Gloucestershire WR11 7HF

- 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 Ian Miles against the decision of Cotswold District Council.
 - The application Ref is 23/02608/FUL.
 - The development proposed is the construction of livery yard to include stable building for 15 equines with lean-to for storage feed and bedding, formation of midden, formation of outdoor manege, formation of parking area, formation of access track, formation of surface water attenuation basin, landscaping and change of use of land from agriculture to equine related use.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of livery yard to include stable building for 15 equines with lean-to for storage feed and bedding, formation of midden, formation of outdoor manege, formation of parking area, formation of access track, formation of surface water attenuation basin, landscaping and change of use of land from agriculture to equine related use at Land Parcel to the North of The Byre, Badsey Lane, Willersey, Evesham, Gloucestershire WR11 7HF in accordance with the terms of the application, Ref 23/02608/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Ian Miles against Cotswold District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A Highway Statement¹ (HS) has been submitted with the appeal. This does not alter the proposal in any way and all parties have had opportunity to comment on their contents. As such, natural justice is not prejudiced by my consideration of these documents.

Main Issues

4. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the surrounding landscape; and
 - highway safety.

¹ By Hurlstone Partnership, July 2024

Reasons

Character and appearance

5. The appeal site comprises of part of an agricultural field located within the open countryside, as defined by the Cotswold District Local Plan 2011-2031 (2018) (LP). The wider field is set to grass, largely bordered by hedgerows and is accessed off Badsey Lane.
6. The wider area is mostly characterised by relatively flat open agricultural land, however there is sporadic and mixed development nearby, including an adjacent large solar farm, isolated residential dwellings, and an equestrian centre. Nevertheless, the wider site, as an open, undeveloped field contributes positively to the wider rural, agricultural character of the area.
7. The National Landscape Character Assessment identifies the site as being within the Severn and Avon Vales character area, described as *'a diverse range of flat and gently undulating landscapes with spare woodland ...but a well wooded impression is provided by frequent hedgerow trees, parkland and surviving traditional orchards.'*
8. The stables building, manege and parking area would sit in the north west corner of the site, next to the hedgerow boundary and would take up a small portion of the wider site. The existing access to the field would be used, and the access track would run along the existing boundaries to the buildings. The substantial open space remaining would retain the general open, verdant, spacious and pastoral character of the wider site, and its positive contribution to the wider landscape would be maintained.
9. The submitted landscaping plan shows that the existing hedgerows and hedgerow trees will be retained and improved, and new hedgerow will be planted along the agricultural access track to the south. New woodland planting is also proposed to the north of the structures. This will retain and improve the verdant and well wooded impression characteristic of the wider character area.
10. Whilst new built form will be introduced into this previously undeveloped field, the structures are single storey, and of a typical simple, timber, rural and equestrian appearance and character, not uncommon in countryside locations, including further along Badsey Lane.
11. I observed that the development would, as illustrated in the submitted landscape and visual assessment², be visible in glimpses through existing and proposed vegetation from distance views. This would include, for example, from public footpaths, from the agricultural track that runs through the wider site and from the residential dwelling to the north east. Nevertheless, despite the land slightly rising to the north, it would sit comfortably within the sporadic surrounding development pattern and not harm the general rural agricultural character of the area.
12. The Council refer to 4 appeal decisions³, which are variously within designated 'special landscape areas' or within the Cotswolds Area of Outstanding Natural

² By Steele Landscape Design 15 December 2023

³ Appeal references APP/F1610/W/23/3319480, APP/F1610/W/17/3173597, APP/F1610/W/22/3303346 & APP/F1610/W/24/3341634

Beauty/National landscape. As such, they are not directly comparable to the policy or specific site context before me.

13. The additional vehicle movements resulting from the proposal would be modest, and as set out below, would be comfortably contained within the operational capacity of the local road network. The use of the development would not harm the tranquillity of the surroundings.
14. I conclude that the proposal would not harm the character and appearance of the area. There is no conflict with LP Policies EN2 and EN4, which seek high quality design that respects the character and appearance of a locality.

Highway safety

15. The appeal site lies off Badsey Lane, which at this point, I observed is a mostly straight rural road with good visibility.
16. The submitted HS confirms that the width of Badsey Lane is sufficient to enable cars to pass each other, and in most places for cars to pass an HGV, and as such, would include equestrian vehicles. Whilst it is unlikely that, given its position, anyone would walk or cycle to the site, this is not unusual for stable buildings within the countryside. The submitted supplementary information note 1 includes Accident Collision Data which indicates that two road traffic incidents have been reported on Badsey Lane within a kilometre of the existing access point in the past 24 years, neither of which are located within 275 metres of the access to the appeal site. This does not suggest that the characteristics within the vicinity of the access pose an inherent safety risk or that the highway is substandard in this respect.
17. Therefore, given the perfectly adequate surrounding road network, access to the site through the road network is safe and straightforward.
18. The HS includes measurements of the existing average daily flow figures and variable average speed. This indicates that the flows on Badsey Lane are low in absolute terms, both in respect of the peak hour and daily totals, and that average speeds along the highway are considerably lower than the 60mph limit.
19. The HS concludes that even assessing an 'absolute worst case scenario' of 64 daily movements added to the peak hour flow on Badsey Lane, the cumulative flow would still be relatively low, and well within the operational capacity of the local road network.
20. The HS also includes a swept path analysis which demonstrates that the proposed access arrangement would accommodate a horse trailer being towed by a vehicle, and a 26 tonne horse box. This is not disputed by the Council. Moreover, the HS also demonstrates that the existing visibility splays is suitable. Again, this conclusion is not disputed.
21. In the absence of any substantive evidence to the contrary, I am satisfied that the road network would be able to accommodate what would be, given the moderate scale of the development, a modest increase in vehicle movements. Consequently, there would not be a harmful impact of congestion or any other undesirable impact on the transport network. The occasional use of the highway network by horse riders in countryside locations is not unusual and there is no

evidence before me that the existing equestrian centre nearby on Badsey Lane leads to an unusual risk of conflict between horse riders and cars.

22. As such, any use of the highways by riders from the proposed development would not lead to highway safety issues.
23. There would therefore be safe and suitable access to the site for all users. The proposal would not harm highway safety. There is therefore no conflict with the highway safety goals of LP Policy INF4.

Other Matters

24. There is no substantive evidence before me that the parking area is not sufficient for the proposal. Any further proposal for residential or any other development would need to be considered on its own merits. The lack of harm I have identified above does not result in a harmful precedent.
25. Given the distance to the nearest residential neighbour, there would be no harm to the living conditions of the occupiers of this property in terms of noise and disturbance, however, in order to minimise any odour pollution, the midden should be covered whenever not in use. It is noteworthy that the Council has come to the same conclusion on this matter.
26. The submitted business plan indicates that the proposal can make a reasonable, albeit modest, profit. The proposal will generate additional income for a farm business whilst not undermining existing operations undertaken on the farm. The proposal would therefore satisfy the sound business case and lack of conflict with existing farming operation requirements of LP Policies EC3 and EC5. It is again noteworthy that the Council has come to the same conclusion on this matter.
27. Conditions controlling to external light will prevent unacceptable light spillage, and a condition securing a suitable sustainable drainage system will prevent unacceptable harms in terms of flooding.

Conditions

28. The main parties have provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG) and the test set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
29. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
30. A condition requiring the submission of a Construction Environmental Management Plan is necessary, in order to ensure biodiversity is protected during the construction process. This is required to be pre commencement as it relates to and affect the early part of the development. Details of a Landscape and Ecological Management Plan are also required, also in order to ensure biodiversity is enhanced.
31. A condition requiring details of finishing materials is necessary in order to ensure that the development is in keeping with the surroundings.

32. Conditions securing a suitable landscaping scheme are appropriate in order to ensure that the verdant character of the surroundings are preserved and enhanced. The condition requires more detail than is already submitted in the landscaping scheme and revised Landscaping Plan.
33. As set out above, a condition requiring the midden be covered when it is not being emptied or filled is appropriate in order to minimise any odour pollution. Given the rural location, as set out above, a condition to secure appropriate details of external lighting is necessary, in the interest of the visual effect of the development and ecology.
34. A condition requiring the first 10m of the access track (from the highway) to be surfaced with a bound material is necessary to prevent vehicles causing gravel to end up on Badsey Lane.
35. As set out above, a condition requiring details of a suitable drainage system is necessary, in order to prevent the risk of flooding.
36. The use of the proposal is clear and any further separate use, including accommodation, would require further permission. As such a condition restricting the use is not necessary.

Conclusion

37. For the reasons above, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos: H0007-06-A3-PL-01, H0007-06-A3-PL-02, H0007-06-A3-PL-03, H0007-06-A3-PL-04 A.
3. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan – CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
4. Within 3 months of the completion of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority of a Landscape and Ecological Management Plan (LEMP). The LEMP shall be implemented in full in accordance with the approved details.
5. No building works above finished floor level shall be undertaken until a schedule of materials to be used in the external elevations 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.
6. Prior to the first use of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the first full planting season (15th November to October to the 15th March the following year) immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

7. The midden shall be covered with a tarpaulin or other similar covering at all times except when it is being emptied of, or filled with, waste material.
8. Prior to the installation of any external lighting, a scheme shall be submitted to and agreed in writing by the local planning authority which specifies the provisions to be made for the level of illumination of the site and the control of

light pollution. The scheme shall be implemented and retained in accordance with the approved details. No other external lighting shall be installed on the site other than that agreed as part of the approved lighting scheme.

9. Prior to first use of the development hereby permitted, the proposed access track shall be surfaced with a bound material for a distance of 10 metres from the carriageway edge.
10. Prior to the laying of any hard surfaces of the development hereby permitted, a detailed Sustainable Drainage System (SuDS) Strategy document shall be submitted to and approved in writing by the local planning authority. The document shall be in accordance with the proposals set out in the submitted Flood Risk Assessment and Surface Water Management Plan; Report LL146; by Lidar-Logic, May 2023.

The SuDS Strategy must include a detailed design maintenance schedule, confirmation of the management arrangements, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use and maintained in accordance with the approved details thereafter.

End of Schedule