



Appeal Decisions

Site visit made on 3 June 2025

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal A Ref: APP/J3720/W/24/3354017

Coughton Lodge Farm, Sambourne Lane, Coughton, Warwickshire B49 5HT

- 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 Stiley against the decision of Stratford-on-Avon District Council.
- The application Ref 24/00656/FUL is dated 19 March 2024 and was refused by notice dated 28 May 2024.
- The development proposed is described as “The erection of an agricultural barn (Retrospective).”

Appeal B Ref: APP/J3720/C/24/3354044

Land at Coughton Lodge Farm, Sambourne Lane, Coughton, Alcester, Warwickshire B49 5HT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Oliver Stiley against an enforcement notice issued by Stratford-on-Avon District Council.
- The notice was issued on 20 September 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building and the creation of an area of hard surfacing/stone patio (in the approximate position edged in red on the Plan).
- The requirements of the notice are to:
 - a) Demolish the building;
 - b) Remove the area of hard surfacing/stone patio;
 - c) Remove all the materials associated with requirements a) and b) above.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. It is directed that the enforcement notice is varied by: by the deletion of “4 months” as the period for compliance stated in section 6. a), b) and c) and the substitution with “6 months” in each of those sections for each of the requirements. Subject to these variations, the enforcement notice is upheld.

Preliminary Matters

3. It was clarified when the enforcement notice appeal was submitted that the appeal on ground (a) was not valid because the notice was issued after the making of a related retrospective planning application and within 2 years of the date on which the related application ceased to be under consideration. The appeal against the refused planning application will continue to be considered but I will not consider Appeal B, under ground (a).

4. At my site visit I sought clarification about which plans were considered by the Council. It was confirmed subsequently that the “As built replacement barn” plan with reference ‘4760 P(0)03A’ is what was in front of the Council when they made their decision. The appellant through the appeal process has submitted a further revision, “Proposed barn alterations” with reference ‘4760 P(0)03 revision B’. The changes proposed would alter what has already been constructed. The building as it stands has been constructed to a higher specification than I would normally expect with an “agricultural barn” as described in the application. However, notwithstanding the construction details and any other issues that have cropped during the related enforcement investigation, in the context of a s78 appeal, it is normal practice to deal with the development on the basis of what was applied for. I will therefore consider the building on the basis of its use being proposed for agricultural purposes whether or not that was the original intention.
5. Within this context, the proposed changes on the latest plans which would involve the removal of the first floor, removal of an internal wall and removal of a pedestrian door would simplify the building and not increase its size or substantially change the appearance. It would be substantively the same building. The minor changes would not cause procedural unfairness for me to consider them with respect to anyone involved in the appeal given the introduction of the plans at appeal stage. I will deal with the appeal on the basis of those plans.

Appeal A Main Issues

6. The first main issue is whether the development is inappropriate development in the Green Belt. The second is whether the building is functionally required in this position in connection with the agriculture activities on the land.

Reasons – Green Belt

7. The appeal site is to the north-west of Alcester. Coughton Lodge Farm includes a number agricultural and equestrian buildings, with open fields surrounding it. I am aware from the history of the site as set out by the Council and the appellant. Much of this does not seem to be in dispute. Planning permission had been given by the Council in 2019 for the “re-siting of existing agricultural barn” (Ref 19/02150/FUL). It seems to be agreed as well that this permission was not implemented. This is a different building albeit in the same position as what had previously been considered as a replacement for a traditional barn. The approved plans show a very different form of building in terms of the details of construction with the wall thicknesses and simple open plan layout being the most obvious examples. That planning permission also included a planning condition (No 2) requiring that the development should be carried out “strictly in accordance with the submitted plans” which gives no tolerance to allow what has been constructed. These matters are also not subject to an appeal under grounds (b) or (c) in Appeal B – that the breach as alleged has not occurred or that the matters do not constitute a breach of planning control. This is a new building.
8. Policy CS.10 of The Stratford-on-Avon District Core Strategy (2011-2031), adopted 11 July 2026 (CS), relates to the Green Belt. It includes under the list of the forms of development that are not to be considered as inappropriate in principle “The construction of new buildings and the carrying out of activities as defined in national planning policy”. Explanatory paragraph 4.1.2 then confirms however that the construction of new buildings in the Green Belt is considered

inappropriate, referring to the exceptions as set out in the National Planning Policy Framework (the Framework). Both the CS and the Framework also confirm that the exceptions to that include buildings for agriculture and forestry.

9. In relation to this main issue, the development is not inappropriate development in the Green Belt. When considered as an agricultural building as specified on the planning application, for the reasons set out above, the development would not conflict in these respects with CS Policy CS.10 or the policies in the Framework relating to the Green Belt.

Reasons – functional need

10. I am told by the appellant that the farm holding extends to 180 acres of mixed farmland, comprising around 120 acres of arable land on which maize and mixed cereals are grown, and 60 acres of permanent pasture which is used predominantly for haymaking.
11. The building is very close to 2 dwellings that were permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Article, Schedule 2, Part 3, Class Q. The prior approval of those dwellings took place in 2019. The land within the appellant's control is extensive and these 2 'Class Q' dwellings are distinctly separate both from the much larger dwelling to the south-west but also the group of large, utilitarian buildings which are located a substantial distance away to the north-west, 130m according to the appellant's supporting agricultural appraisal. Those separate large modern buildings are where I am told most of the agricultural activities take place and I return to describing those buildings below. The land immediately surrounding the appeal building is manicured grass, landscaped and lends itself more to these very close residential buildings than the more functional buildings further away. Another building is positioned on its own to the west between the appeal site and the modern farm buildings.
12. The record of photographs provided by the Council of the building under construction, show what appears to be a building of very high construction standards with damp proof course, insulated cavity walls, paved patios on 2 sides including in front of the large aperture on the north-west elevation. It is notable that the building that I saw has already been altered from what had been constructed. For example, the threshold across the bottom of the large door-aperture on the north-west elevation which is very clear in the photograph dated 20 August 2024, has been removed. At the site visit, I asked the appellant to move some bales that had been placed across this area and the brick-courses have clearly been removed since that photograph was taken to provide a level access. A tractor was parked inside the building at the time of my site visit and its access into the building has been made easier by this change to the building. The patio on this side has also been removed and replaced by a less decorative granular surface which is far less domestic in appearance. Lastly, the items that I saw within the building such as straw bales, incubator, heat lamps and such like were all on a concrete floor below the damp-course level.
13. Before considering the detailed case for the agricultural need for the building, it struck me that it is in an unusual and incongruous position so close to the residential area, if it is to be used as an integral part of the farming activities elsewhere. It is clear from the description of the history of the site that it has

changed substantially over the years with this part of the land primarily containing domestic activities.

14. CS Policy AS.10 is a broad ranging policy which relates to the countryside and villages apart from those which lie within the more built up parts and higher order settlements of the district. It sets out the forms of development and uses that will be acceptable in principle in the countryside and at paragraph (o) includes “a building or structure related to agriculture, horticulture and forestry where it is required for such purposes.” However, it is confirmed within the section entitled “Development Management Considerations” that in that respect applicants will have to demonstrate a functional need for the proposed building explaining the purpose of the building in relation to the existing or proposed operations.
15. The justification for the building in this case now relates to the flourishing pumpkin business. This contrasts with the planning statement submitted with the planning application which I refer to further below. The facts about the construction and how that had changed by the time of my visit question whether it was designed for agricultural purposes. There appears from what I am told, to have been little scrutiny of the agricultural need for replacing the barn when the application for that was considered but it is agreed, that the application cannot be implemented.
16. With respect to pumpkin production, in 2023 the appellant planted 3.29 acres of pumpkins which proved popular with pubs, hotels and farm-shops. A smaller area was planted in 2024 (1.6 acres) but at the time of the report it was estimated that this would still support the production of 5,000 pumpkins. The building is used for processing the pumpkins following harvest as well as storage of equipment used in that processing. It is also used to store other things such as electric fencing supplies. Furthermore, the building is used in winter and spring to sow seeds and later to store and cure harvested pumpkins. A washing space is needed as well as worktop space for buffing and waxing, space for racking to be properly stored. The agricultural report states that this could not be undertaken in other farm buildings as none are sufficiently insulated to ensure adequate temperatures (10 to 13 degrees Centigrade) during these processes. Space for staff refreshments are also needed. Other health and safety considerations are mentioned and the report says that children are involved in the harvest and it is best to keep them and other pedestrians away from farm machinery.
17. In response to the planning application, the Council had instructed a specialist consultant who prepared a report dated 24 April 2024 a month or so before the decision was made. The original supporting statement submitted for the appellant, with the planning application mentions the need to accommodate livestock but not pumpkins. That is dated February 2024 with the application submitted in March 2024. It is not clear when the Agricultural Appraisal report submitted with the appeals was prepared although 1 of the annexed purchase orders is dated 1 August 2024 and so it was not before then. The lack of mention of pumpkins in the original supporting statement is an inconsistency in the appellant’s case, if by that time as subsequently stated, pumpkins were first planted in Spring of 2023 with that being the main purpose of the building.
18. Even if I give weight to the argument that the building is needed here because it is close to the pumpkin patch as set out in the appellant’s agricultural report, when I asked for confirmation of where the pumpkin patch was when on site, I was told that it was now somewhere else. I can completely understand the need for crop-

rotation and the new location which was pointed out to me is a significant distance away in the opposite direction. I am not convinced that the location of the building is preferable to the pumpkin enterprise than existing concrete yard containing 5 large portal-frame buildings, several steel-containers and other paraphernalia which I am told is the core of the farming enterprise.

19. Those 5 portal-framed structures are laid out on an extensive concrete yard. I looked in each of these buildings. The first is large with ventilated boarding which internally has 2 long rows of stable stalls. The appellant's agricultural appraisal does not mention this. There is then a large gap between that building and the second which contains a very large number of tractors covering much of the floor area as well as a Land Rover and some other equipment. I am not provided with any information about these. I don't know whether these vehicles, some of which appeared from my non-expert eye to be vintage examples stored in a very clean and tidy condition, are actively involved in agriculture. I don't know whether they are part of a collection just stored there or what other use the building may have. The supporting information does not explain this and my visit gives me only a snap-shot of what was occurring at that time.
20. The concrete area continues beyond that building and includes a group of metal containers, a skip and various pieces of agricultural equipment between the west side of that building and the hedgerow defining the boundary. I also saw that there were other bits of equipment outside and to the rear of the second building. The next building that I looked in also contained a number of modern tractors, machinery, 2 rows of multi-layer metal storage racking with other odds and ends of material and equipment. Again, the agricultural appraisal does not help me know what this building is used for.
21. Next to that building, there is another where bales were being stored as well as a tractor, ornamental plants and some dumpy bags, one with wood-chippings in it. To the rear of that and connected to it were 3 other sections of the building with hay or straw being stored, a large machine which was confirmed by the appellant as being a biomass boiler and quadbikes taking up the last section. Opposite that, another building contained more tractors and a workshop with lots of what looked like engineering and mechanical maintenance equipment. A further bay connected to that is used to store wood chippings.
22. I recognise, from what I am told, the very specific growing, processing and aftercare conditions that are required for pumpkins. The CS at paragraph 6.12.14 in support of Policy AS.10 states that the Council will apply a strong level of restriction on development in the countryside in order to protect it for the sake of its intrinsic value and to ensure that natural assets and resources are preserved. It has not been adequately explained to me why the building subject of this appeal is necessary for the purposes now stated when there is such an extensive area of concrete and existing large buildings. Given the size of these buildings, the external concrete area and the space available it would seem to present, in common sense terms, plenty of options that could be pursued to achieve the very specific requirements for pumpkin production. The proposed changes to the building may make that a little more practical for the pumpkin related use as it would make the current internal area more open. However, the processing and storage that has been explained would seem to me to be constrained within this building whereas the existing yard and building would present more opportunities for a modern pumpkin building without the constraints presented by trying to make

the current building look like an historic agricultural building. There is no evidence to demonstrate the appellant's point that these other buildings could not be adapted to provide suitable temperature control or whether new structures on the yard have been considered.

23. Furthermore, I am not persuaded that a location closer to the existing buildings or within them would be less safe if the appellant's children continue to be involved in the pumpkin growing business. The existing buildings also seem to be adequately secure for the large number of tractors, quadbikes and other equipment in them at the moment. The case for the appeal building being more secure when it would be more remote from this yard, is not convincing.
24. In relation to this main issue, it has not been adequately demonstrated why the building is functionally required in this position and in connection with the agriculture activities on the land. As such this does not comply with CS Policy AS.10. This policy is consistent with the recognition within the Framework of the intrinsic character of the countryside.

Other Matters

25. The building is in the same position as the previous intended position of the building that achieved planning permission previously (Ref 19/02150/FUL). The appellant has confirmed that they are not arguing that the previous permission is a fallback development and I agree that it does not appear from the evidence provided, to be possible to implement that permission. The circumstances leading to the approval of the previous alternative building are of very little weight in my consideration of this appeal.
26. If there were a justification in principle for the building in this location, the Council has not argued that there is any harm caused to the Arden Special Landscape area. The plans show proposals to incorporate roosts for bats and birds. There are no highway safety or drainage concerns raised. These are neutral factors which neither add weight to nor count against the proposal.

Appeal A Conclusion

27. These other matters and my conclusion on the first main issue do not outweigh my conclusion on the second main issue. I conclude that having had regard to the development plan as a whole and all other material considerations, the development is unacceptable. Appeal A will be dismissed.

Appeal B

The Appeal on ground (f)

28. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The notice in this case is seeking the complete demolition of the building and other physical changes that were made. As such, with respect to s173(4) of the Act, the purpose of the notice is to remedy the breach by restoring the land to its condition before the breach took place. There are no obvious lesser steps that could achieve that.
29. However, another strand of s173(4) to remedy the breach is to make the development comply with the terms of any planning permission which has been granted. It is agreed between the main parties that the previous planning

permission for a barn to be constructed on this site is no longer capable of implementation (as previously explained). Even if the use of the same materials could not be ensured, the approved plans show a very different form of building in terms of the details of construction with the wall thicknesses and simple open plan layout being the most obvious examples. That planning permission also included a planning condition (No 2) requiring that the development should be carried out “strictly in accordance with the submitted plans” which gives no tolerance to allow what has been constructed. There has been no ground of appeal advanced to try and demonstrate that the permission could still be complied with.

30. The appellant argues that an obvious alternative to complete demolition would be seeking compliance with the revised plans but I have considered the planning merits of those plans in Appeal A. I do not consider that the planning merits warrant the grant of a planning permission for the reasons I have set out even with a condition requiring agricultural use only, as suggested. As such, there is no obvious alternative to achieve the purpose of the notice or the planning difficulties at less cost and disruption than total compliance.

31. The appeal on ground (f) therefore fails.

The Appeal on ground (g)

32. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The notice requires complete demolition of the building as well as removal of the surfacing/stone patio (some of which has already gone) and removal of materials, all within 4 months of when the notice comes into effect.
33. I have reasoned that the building is not necessary for the agricultural activities based upon the evidence submitted. The farm is not lacking in buildings and space within the complex of modern buildings. The agricultural justification and other supporting information do not clearly demonstrate that even if the compliance period interrupts the pumpkin harvest, that it would be fatal to that operation. However, given the timing of this decision, the 4 months would come in the early Autumn and it could be disruptive if alternatives arrangements have not resolved by then. The 12 month period as requested by the appellant is not justified but I will extend the period to 6 months in order to cater for most eventualities as well as any difficulties in finding alternative solutions. This would strike a more proportional and reasonable balance between the farming activities and the need to control the development.
34. The appeal on ground (g) is allowed.

Appeal B Conclusion

35. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. Appeal B on grounds (g) succeeds to that extent.

Andy Harwood
INSPECTOR