



Appeal Decision

Site visit made on 3 June 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/Y3425/W/25/3361882

The Wood, Stallington Road, Meir Heath, Stoke-on-Trent, Staffordshire ST11 9QW

- 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. J. Iqbal against the decision of Stafford Borough Council.
 - The application Ref is 24/39654/FUL.
 - The development is for change of use of land to private equestrian use, construction of stables, construction of 20 x 40 metre manège, and erection of fencing."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I observed at the time of the site visit that the change of use of the land has occurred and is operational. The stable building has been erected and the manège has also been installed. For clarity, I have based my decision on the submitted plans. I have removed the term "retrospective application" from the development description in the banner heading above as this is not an act of development.

Background and Main Issues

3. The main parties have highlighted that the appeal site is located on Green Belt land. However, they agree that the appeal scheme would not constitute inappropriate development in the Green Belt. As such, it did not form a reason for refusal. I see no reason to disagree.
4. Consequently, the main issues raised by this appeal are the effect of the development:
 - on biodiversity; and
 - on protected trees.

Reasons

Biodiversity

5. The appeal site lies within the countryside and comprises land which is covered by a Woodland Tree Preservation Order - W1, no. 276 of 2003 (TPO). Habitats on the appeal site, and wider land, are identified as broad-leaved woodland and modified grassland.
6. As a retrospective application the appeal scheme is exempt from the statutory biodiversity net gain requirements set out in Schedule 7A of the Town and Country

Planning Act 1990 (as amended). Accordingly, the appeal scheme would not be subject to the mandatory 10% Biodiversity Net Gain (BNG) requirement. Nevertheless, there remains a requirement in the National Planning Policy Framework (the Framework) for providing net gains for biodiversity. In particular, paragraph 187 of the Framework sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.

7. Policy N4 of The Plan for Stafford Borough 2011-2031 (the Development Plan), amongst other things, also seeks to protect, conserve and enhance the natural environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees.
8. While it is suggested that the development has resulted in the loss of protected trees, aerial photographs submitted by the appellant suggest that the land where the manège and stable are located was not covered by a large number of trees before development was carried out. Nonetheless, the track, manège and stable has inevitably resulted in harm and loss of habitats on the site and the adjacent woodland. The submitted Biodiversity Net Gain Supplementary Note (the BNG Note) also identifies that habitats on and adjacent to the site have been affected by overgrazing.
9. To compensate the harm and loss to habitats on the appeal site and wider woodland, the BNG Note identifies that 10% BNG can be achieved by the enhancement of the boundary woodland through planting, underplanting and through invasive weed removal within the grassland. The appellant suggests that this could be secured by a planning condition. However, the red line boundary of the appeal site is tightly drawn around the access track, stables and manège. As such, there appears to be limited opportunity for BNG to be delivered on the appeal site.
10. Furthermore, the development has also been carried out and a Grampian condition or other negatively worded planning condition to secure the necessary BNG, on land outside the appeal site, would not be possible. Particularly because the area of woodland does not appear to be within the appellants ownership. Indeed, it is not known whether the owner of that land would be agreeable to the requirements of a BNG condition, which would also need to include the future maintenance and management of BNG once implemented on the land.
11. Consequently, it has not been demonstrated that harm to biodiversity on the land can be suitably mitigated and the development can provide an enhancement to biodiversity, including BNG.
12. For the reasons outlined, and on the evidence before me, I conclude that the development is harmful to biodiversity. It is therefore contrary to Policy N4 of the Development Plan, and the requirements of the Framework.

Protected trees

13. The stables, manège and perimeter fencing are in close proximity to a number of TPO trees on or adjoining the site, which have a high amenity value.
14. The Arboricultural Report, dated 06 September 2024 (the report) identifies that the development encroaches into the root protection area (RPA) of eight trees on site.

Of the eight trees, two are Category B trees - Moderate quality trees with 20>40 years contribution. The Category B trees are located on the boundary with the neighbouring property, 107 Hilderstone Road.

15. The perimeter fencing has steel posts with mesh in between. The posts are located at the base of the trees. The posts only encroach into a small area of the RPA of the protected trees and damage to tree roots is likely to be limited. As such, the appellants Arboricultural Method Statement, dated 09 September 2024, recommends that the trees are monitored for decline for a period of five years.
16. The Council has not identified that the perimeter fence has caused damage to the trees and there is no substantive evidence before me that long-term adverse effects has been caused. Likewise, although the manège and stables encroach into the RPA of Category C trees - Low quality trees, all of the trees can be suitably monitored. Furthermore, despite the constrained size of the red line boundary there would be an opportunity for replacement tree planting on the appeal site. The five-year monitoring period and replacement tree planting could be secured by a suitably worded planning condition.
17. For the reasons given above, I conclude that the development does not harm protected trees. Therefore, it does not conflict with Policies N1, N4 and N8 of the Development Plan, which together and amongst other things, seek the retention of landscape features, and the protection of trees.

Other Matters

18. The appellant has also identified that the Council has raised no concerns with regard to the effect of the development on highway safety, the character and appearance of the area, and the living conditions of neighbouring properties. I see no reason to disagree with the parties on these matters.
19. While the development does not harm protected trees, it causes harm to biodiversity and conflicts with the development plan as a whole. The conflict with the development plan in this respect carries significant weight and I have found no other material circumstances that would outweigh that conflict.

Conclusion

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

N Bromley

INSPECTOR