



Appeal Decisions

Site visit made on 17 June 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI)

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal A Ref: APP/J3720/C/24/3342424

Marsh Farm, Stourton, SHIPSTON-ON-STOUR, CV36 5HG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Cotswold Decorative Ironworkers Ltd against an enforcement notice issued by Stratford-on-Avon District Council.
 - The notice was issued on 20 March 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building for commercial business purposes.
 - The requirements of the notice are to demolish the building.
 - The period for compliance with the requirement is within 4 months of the date the notice takes effect.
 - The appeal is proceeding on the ground (a) set out in section 174(2)(a) 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.
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Appeal B Ref: APP/J3720/W/24/3342426

Marsh Farm, Stourton, SHIPSTON-ON-STOUR, CV36 5HG

- 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 Cotswold Decorative Ironworkers Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/00676/FUL.
 - The development proposed is described on the application form the erection of a new building for storage in connection with the applicant's existing business (Re submission following withdrawal of application ref 19/00927/FUL).
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Decisions

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a building for commercial business purposes at Marsh Farm, Stourton, Shipston-on-Stour, CV36 5HG as shown on the plan attached to the notice and subject to the conditions set out in the schedule appended to this decision.
2. Appeal B is allowed and planning permission is granted for the erection of a building for commercial business purposes at Marsh Farm, Stourton, Shipston-on-Stour, CV36 5HG in accordance with the terms of the application, Ref 23/00676/FUL, and the plans submitted with it, subject to the conditions in the schedule appended to this decision.

Preliminary Matters & Main Issues

3. Two appeals are before me for determination, as set out in the banner heading above. Appeal A is made on ground (a) alone. The application in respect of Appeal B was submitted retrospectively and the development for which permission was sought was described in the application form as a “new building for use in conjunction with the permitted use of the appellant’s business”. The Council altered that description in the decision notice which refers to the “erection of a building for commercial business use”. That echoes the description of unauthorised development in the enforcement notice, as described above.
4. I shall utilise the description used by the Council in relation to Appeal B as it more succinctly reflects the act of development that has occurred than the description given in the application form. Whether, in fact, the development should be considered as an expansion of the appellant’s business, Cotswold Decorative Ironworks Ltd. (CDI Ltd.) is a matter of dispute between the parties which I shall address in the main issues.
5. There are no material differences between the development, as constructed, and that depicted on the plans submitted with the planning application. Notwithstanding that, the stated reasons for issuing the enforcement notice and those given for refusing the planning application are not the same. Two reasons were given for refusing permission, the first relating to conflict with relevant development plan policies and the second relating to the effect of the development on the character and appearance of the area and the Cotswolds AONB. A third reason was given for issuing the notice relating to the potential effect on the living conditions of residents of nearby properties. However, the Council are satisfied that issue could be addressed through the imposition of planning conditions in the event that I am minded to allow the appeals. Consequently, it is not a main issue effecting the principle of development. I shall address whether such conditions are necessary to make the development acceptable in planning terms in the respective part of my decision.
6. Following the submission of the appeals, the appellant wrote to the Inspectorate to advise of a change in circumstances relating to the appellant’s ironworking business¹. The Council contends that new information was submitted outside appeal deadlines and should not be accepted. However, it is a short letter of less than two sides which simply sets out the current operational arrangements of the company. Namely, that they have temporarily relocated to another site, pending the reconstruction of the main existing workshop at Marsh Farm. I understand that the Council has granted planning permission for the existing workshop to be reconstructed².
7. Whilst the letter was submitted beyond the appeal timetable it does not “significantly alter” the appellant’s case, as suggested by the Council. Moreover, the Council has had the opportunity to comment on the letter and has done so within its statement of case. Accordingly, I am satisfied that no prejudice will arise as a result of my decision to take account of its contents.
8. In view of the above, the main issues in both appeals are:

¹ By way of letter, dated 26 June 2024

² LPA reference 24/01713/FUL

- i) Whether the development complies with the relevant policies of the development plan in respect of development within the countryside; and
- ii) The effect of the development on the character and appearance of the area, including the Cotswolds AONB.

Reasons

The Development Plan

9. The appeal site is in a rural location, within the countryside in planning policy terms, outside of any defined settlement. Policy AS.10 of the Stratford-on-Avon District Core Strategy (2016) (the CS) applies. The policy sets out a number of types of development, (a) to (v) that are considered to be acceptable “in principle” in the countryside. Of those, sub-paragraph (n), relates to an extension to an existing business in its established location, particularly if it would be unreasonable to expect the business to relocate in order to expand. No criteria are set out within the policy to indicate what circumstances may amount to “unreasonable” in that respect. The only additional advice is given in paragraph (14) of the explanatory text which states that consideration will need to be given to the established scale and nature of the existing business.
10. The existing business, CDI Ltd, has been in operation at Marsh Farm for a number of years. The planning history shows that permission to use a building for the manufacture of decorative iron works was granted as far back as 1998. In more recent years, an element of vehicle repair/ refurbishment of vintage vehicles has been incorporated but the primary use remains that of ironworking, constructing fences, gates, bridges and the like. Those works have primarily taken place in the large, corrugated, shed to the front of the farmhouse.
11. The witness statement of the appellant identifies that 25 people are employed, including metal workers, fitters, general labourers, drivers, administrative staff and managers. The metalworking is constructed on-site and then delivered and installed off site. It is clearly a significant operation and the appellant contends that the building subject of the present appeal was erected in response to an urgent need for additional space.
12. The rationale for having a separate unit is said to relate to the need to store and manufacture separate specialist, custom made, decorative items from the general production of more standardised fencing and gates in the main workshop. I have no reason to doubt that need exists and such items were stored in the building at the time of my visit, which is consistent with a recorded visit of the Council’s enforcement officer in 2022³.
13. The Council contends that the fact that the business has relocated to another premises, pending the refurbishment and/or reconstruction of the existing workshop is such that the development cannot be considered as an expansion of an existing business under AS.10 (n) or an expansion of existing buildings under AS.10 (m) on the basis that the business is no longer in situ. I find that to be a misreading of the information provided. The use still exists in planning terms and the appellant clearly sets out the intention of the business to return to the site once the refurbishment is complete.

³ Paragraph 5.18 of the Council’s Statement of Case

14. The Council's approach of precluding the application of policy AS.10 in situations where temporary relocation was required to facilitate redevelopment would run counter to the general thrust of the policy which is broadly supportive of rural economic development, in line with the paragraphs 88 and 89 of the National Planning Policy Framework (the Framework).
15. The Council also appears sceptical of the intended use, given the degree of separation from the main workshop which is on the opposite side of the farmhouse. Reference is also made to an "independent access". However, the access track which runs through the site provides a direct link between the unit and the main manufacturing building. It does not solely serve the appeal building but the wider site, including the equestrian uses. Where former farmsteads have been put to new uses it is not uncommon to find a degree of dispersal and the arrangements will rarely reflect the more organised arrangement one would find in a purpose-built industrial development.
16. There is clearly a mix of uses at the site in general, with the ironworking/ vintage car repairs taking place alongside equestrian uses and the residential use of the farmhouse. I am mindful of the planning history of the site, including discussions over the nature and extent of any lawful uses, what the relevant planning unit is and whether the land upon which the appeal building was constructed was lawfully used for storage in connection with the ironworking business. However, I needn't concern myself with any legal arguments in those respects for the purposes of determining the present appeals.
17. For the reasons set out, I am satisfied that the building has been constructed and used in connection with the existing business. Any business which expands will often extend over land which was previously in a different use in planning terms; that is the nature of expansion. Thus, even if the land was not used lawfully for external storage prior to the construction of the building, it does not dictate that the development is excluded from the terms of policy AC.10 (n) in my view. Looked at holistically, having regard to the nature of the site, the development can be considered as an extension to a business in an established location in the terms of policy AC.10 (n).
18. As noted, no guidance is given as to when it may be considered unreasonable for a business to have to relocate in order to expand. However, given the long history of the business on site, no doubt with employees living locally, it seems eminently reasonable to allow for a modest building to provide additional space in support of the existing business.
19. Accordingly, I am satisfied that the building and the use is one that can be considered as acceptable "in principle" within the countryside according to the terms of policy AS.10, subject to other material considerations.

Effect on the Character and Appearance of the Area and AONB

20. The appeal site is located within a shallow vale, through which the River Stour meanders a short distance to the north, marking the valley bottom from which the landscape rises to the north and south. The character is tranquil and rural, with an attractive patchwork of mixed arable and pastoral fields lined with hedgerows and mature trees. Scattered farmsteads are evident in the locality, including that at the appeal site such that built form is not unusual outside of the village centres.

21. The red brick and clay tiled buildings, set around what presumably was the original farmyard, have been converted into residential use. Those buildings are supplemented by the large corrugated shed which houses the main workshop of CDI Ltd., along with more recent stables related to the equine use. The combination of modern agricultural buildings alongside those constructed from more traditional materials is not uncommon within the area and the site retains the outward form of its former agricultural use, particularly in wider views from which it sits comfortably in the landscape. The mature hedgerows alongside the narrow lane also provide a sense of enclosure as one approaches the site, such that the buildings are not prominent until one is at close quarters.
22. The appeal building is a modest addition to the collection of buildings spread across the site. In landscape terms, its proximity to the quadrangle of traditional farm buildings is fairly typical of many farm complexes where buildings are clustered together, close to access arrangements and the central yard. Thus, the siting helps to maintain a compact built form and does not appear incongruous in that context. Moreover, it is well screened by adjacent hedgerows. The dark profiled roof, which is the most visible aspect, blends well with the roof of the adjacent building and does not appear harmful as a result.
23. The structure itself is a fairly typical modern profiled shed, as often found on farms and rural sites. It is proposed to finish the most visible elevations in cedar cladding; something that could be secured by condition and would provide a softer appearance than the current metal cladding. The imitation crittall style windows provide an attractive element of design to the most prominent aspects within the site and help to elevate the building beyond the standard profiled shed.
24. Overall, the scale, appearance and siting of the building respects the pattern of development at the site and the wider landscape and does not impair the ability to appreciate the more traditional farm buildings which sit alongside. Accordingly, it is a well-designed building which does not harm the historic or built character, local distinctiveness or landscape quality of the AONB, in line with the requirements of policy CS11 of the CS. It also takes account of the local context and is a well-designed structure, related to its intended function, which is consistent with the aims of policy CS9 and the thrust of general design guidance in the Council's District Design Guide (2001) and the Development Requirements SPD, particularly sections G and I which relates to rural buildings and commercial developments.

Other Matters

25. Although not a matter comprised in the reasons for issuing the enforcement notice or for refusing planning permission, the Council has referred to the accessibility of the site in respect of reliance on private motor vehicles within its statement of case. Policy CS22 of the CS allows for the expansion of rural businesses subject to the scale and type of activity involved, the location and nature of the site and its accessibility, including by public transport. In other words, public transport is one of a range of factors to be considered, which may or may not be determinative in the context of any given site.
26. Rural businesses will often need to expand in locations that are poorly served by public transport, as recognised by paragraph 89 of the Framework. This site is no exception, being distant from the closest settlement. However, taking account of "the scale and type of activities involved" the building is a modest addition to an

existing operation which allows for the storage of specialised items, away from the main manufacturing building. It is unlikely to generate any notable additional traffic of itself and the absence of public transport is not such that the development contravenes policy CS22 in the round.

Conditions

27. The Council has put forward a number of conditions in the event that the appeals are allowed. A condition to ensure that the development is constructed in accordance with the submitted plans is unnecessary because the building has already been constructed. However, for the reasons set out, a condition to ensure that the external elevations are finished in cedar cladding, as shown on drawing 04 Rev. D, is necessary in the interests of the character and appearance of the area. A period of six months to carry out that work is more reasonable than the month suggested by the Council, given the need to plan the work, order materials and source labour.
28. Given that the cladding is necessary to make the development acceptable in planning terms the condition must be worded to have the effect that the benefit of planning permission will fall away and that the building must be demolished and removed if the terms of the condition are not complied with. A condition to prevent external lighting, unless details are first submitted to and agreed with the local planning authority, is also necessary in the interests of maintaining the tranquil character of the area. Also in the interests of the character and appearance of the area, a condition is necessary to prevent the external storage of items
29. A condition is necessary to ensure that the building is used for purposes connected to the established business operation carried on by CDI because that is the basis upon which the development has been considered and found to comply with the development plan in respect of policy AS.10 which allows for the expansion of an existing business. Providing that the building is used in connection with the existing business I see no particular reason to impose a condition limiting the use to storage purposes only.
30. The planning application describes the development as being for the erection of a building for commercial business use and the planning statement refers to it being required for storage purposes but also for the design and construction of decorative bridges. How the company wish to utilise the space, within the context of their business needs is not a matter that needs to be controlled by condition. For the same reason, I have amended the wording of the condition suggested by the Council to remove the word “ancillary” because the building is essentially part and parcel of the business activity of CDI Ltd. as opposed to being ancillary to it.
31. Similarly, I find no need to control operating hours or delivery hours by condition. The site is distant from any other residential property and the dwelling on site is occupied by the appellant, as part of the mix of uses across the site as a whole. The business appears to have operated for over a quarter of a century without injury to living conditions of those residing in the dwelling and there is no evidence that such a limitation is needed in planning terms, given that the workshop represents a small extension to the existing use.

Conclusion

32. For the reasons given above, I am satisfied that the building has been constructed as an expansion of the established business carried on by CDI Ltd. and that it complies with the relevant policies of the development plan in respect of development within the countryside and in all other respects, including its effect on the Cotswolds AONB.
33. Accordingly, I conclude that Appeal A should succeed on ground (a). I shall grant planning permission for the development as described in the notice and the enforcement notice will be quashed. For the same reasons I also conclude that Appeal B should be allowed.

Chris Preston

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/J3720/C/24/3342424	Cotswold Decorative Ironworkers Ltd
Appeal B	APP/J3720/W/24/3342426	Cotswold Decorative Ironworkers Ltd

APPENDIX 2 – Schedule of Conditions in Respect of Appeal A and Appeal B

- 1) Within 6 months of the date of this decision the external walls of the building must be clad in cedar cladding as shown on drawing number 04 Revision D – Proposed Elevations. The building operations hereby permitted shall be demolished to ground level and all resultant materials shall be removed from the site within 4 months of the failure to meet that requirement.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The building hereby permitted shall only be used by and in connection with the business operated by Cotswold Decorative Ironworks Ltd. and for no other purpose and shall not be used, sold or leased independently of that business (indicated as 'Ironworks' on Drawing No.2 submitted with the planning application).
- 3) There shall be no external lighting within the site unless in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.
- 4) No raw materials, finished or unfinished products, parts, crates, packing materials, equipment or waste shall be stacked, stored or deposited on the site (as defined by the red line site location plan submitted in respect of application 23/00676/FUL), except within the buildings.