



Appeal Decision

Site visit made on 27 August 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/K3415/W/25/3368300

Land North Of Camp Road, Sutton Coldfield, Staffordshire B75 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Marcus Clarke against the decision of Lichfield District Council.
 - The application Ref is 25/00043/FUL.
 - The application sought planning permission for erection of replacement stable block without complying with a condition attached to planning permission Ref 22/00522/FUL, dated 24 November 2022.
 - The condition in dispute is No 6 which states that: The development hereby approved shall be used for the private personal use of the occupants of the dwelling known as Standerton, Camp Road only and shall not be hired out or otherwise made available to individuals or organisations for livery, equine competition or other commercial equine purposes, at any time.
 - The reason given for the condition is: In the interests of highway safety and in accordance with Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.
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Decision

1. The appeal is allowed and planning permission is granted for erection of replacement stable block at Land North Of Camp Road, Sutton Coldfield, Staffordshire B75 5QZ in accordance with the application Ref 25/00043/FUL, without compliance with condition number 6 previously imposed on planning permission Ref 22/00522/FUL dated 24 November 2022 and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Mr Marcus Clarke against Lichfield District Council. This is the subject of a separate decision notice.

Preliminary Matters and Main Issue

3. The appeal site address in the header and decision above is from the Council's decision notice that grants planning permission reference number 22/00522/FUL (the parent permission). I have added the post code for completeness.
4. The disputed condition requires the development allowed under the parent permission to be only used by occupants of Standerton on Camp Road. This is a dwelling on the opposite side of the highway to the appeal site. In essence, the planning application leading to this appeal sought permission for the same development but with an amended or proposed condition to read "*The development hereby approved shall be used only for private and domestic equestrian uses and shall not be used for any commercial uses, such as*

commercial livery or commercial riding stables, including the staging of public events, gymkhanas or for use as a riding school". I have considered the appeal on this basis.

5. The main issue in the assessment of the appeal is whether the disputed condition is necessary and reasonable having regard to policies on highway safety and sustainable travel.

Reasons

6. The appeal site is a field that slopes down from Camp Road. Near the bottom of the slope is a building that contains 2 stables. No plans have been provided but I am advised the replacement building allowed by the parent permission would contain 3 stables. On my visit I saw a vehicular access onto the field from Camp Road, almost directly opposite an access onto Standerton.
7. The disputed condition would largely negate the need to travel by car to and from the stables as the occupants of Standerton simply need to cross the road to reach the field. The proposed condition would allow people that live away from the site to use the stables for their own private use and so it is likely to lead to more car trips compared to the development allowed under the parent permission. However, I would envisage the increase in car trips would be fairly modest and in line with the appellant's estimate of 12 vehicular movements per day.
8. However, as well as the development allowed under the parent permission, the existing situation would provide a realistic fallback position in the event of this appeal being dismissed. The Council has not sought to dispute the claim that horses have been kept on the site for a long time. Moreover, there is no evidence to suggest the use of the site and the existing stables is restricted in the same way as the disputed planning condition. As such, it would seem that people who live away from the site could currently keep horses on the land and use the existing stables. It is highly likely that such people would travel by car to tend to their animals as the site is in a fairly isolated rural location.
9. The appeal development would provide an additional single stable on the site compared to the current situation. This indicates the land would be used to support 3 rather than 2 horses and so it could lead to a limited intensification of the equestrian use of the site. It does not follow the development is bound to lead to an increase in people that own horses on the site as all stables may be used by a single person. Furthermore, the proposed condition would prevent the commercial use of the proposed stables. As such, it is likely the proposed condition would lead to only a limited increase in traffic movements compared to the existing situation.
10. The road outside the site accommodates 2-way traffic. The appellant's survey shows significant levels of traffic travel past the field each day in both directions. The level of additional car trips as a result of the replacement stable building would be negligible compared to the daily traffic flows along Camp Road. Furthermore, the survey shows that traffic tends to travel past the site well below the 60mph speed limit. I noted that the road is fairly straight as it passes the field although there are bends on the approaches from both directions that discourage excessive speeds. Also, there is no evidence of any accidents on the local road and so there is no obvious reason to consider it is inherently unsafe.

11. Previously there was a line of trees on the grass verge between the front boundary of the appeal site and the carriageway. However, these have been removed and so I saw good visibility from the egress from the field in either direction. The appellant's access note includes plans that show appropriate visibility currently exists when having regard to recorded speed measurements. The Council suggests the visibility splays as shown could not be secured through the imposition of a planning condition as the land is not within the appellant's ownership. However, even if this is accepted, there is little to suggest that traffic leaving the site has in the past prejudiced highway safety, even before the removal of the trees. Bearing in mind the modest increase in traffic movements as a result of the appeal proposal compared to the existing situation, I find the proposed condition would avoid an unacceptable risk to highway safety.
12. Camp Road does not provide a safe environment for pedestrians and cyclists as there are no pavements nor street lights near to the site. However, the development is unlikely to attract pedestrians or visitors travelling by cycle as it is generally remote from residences and settlements. Moreover, I would envisage Camp Road is not used on a regular basis by walkers or cyclists and so traffic associated with the development would not increase risk of conflict between different users of the highway. It is unlikely the replacement stables would lead to additional equestrian activity on the road as the levels of traffic make it unsuitable for horses.
13. Generally, the appeal development would not promote the use of sustainable modes of travel due to its remote location. The disputed condition has benefits in these respects as the restrictions mean most trips to and from the replacement stables would be made by foot. Even so, compared to the existing situation, the appeal proposal would lead to an insignificant number of additional car trips. Also, the proposed condition would ensure the development does not need to be accessed by a significant number of people as it restricts commercial usage and public events.
14. For the above reasons, I conclude the disputed condition is not required to ensure the development is acceptable in terms of highway safety and sustainable travel. As such, it is unduly burdensome and unreasonable. Instead, the imposition of the proposed condition would ensure the development accords with Core Policy 3, Core Policy 5 and policy ST1 of the Lichfield District Local Plan Strategy 2015. Amongst other things, these policies look to ensure traffic generating development takes account of highway safety and that development requiring access by a large number of people are located where it is accessible by non-car means of transport.

Other Matters

15. The Council has raised concerns that the wording of the proposed condition would be ambiguous as it would potentially allow the commercial use of the stables. However, the proposed wording clearly states the appeal development shall not be used for any commercial purposes. The proposed condition would allow people other than the occupants of Standerton to accommodate horses within the stables but it does not follow that this would lead to a commercial livery use. For example, the proposed condition would allow the replacement stables to be sold off with the associated field and used separately by a non-resident of Standerton to accommodate their own horses. As such, I consider the proposed condition is precise and enforceable.

16. The appeal site lies within the Green Belt. However, I agree with the Council that the imposition of the proposed condition would have no effect on whether the appeal would accord with Green Belt policy.

Conditions

17. The Planning Practice Guidance states that planning permissions granted under section 73 of the Town and Country Planning Act 1990 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect. I have had regard to all the planning conditions attached to the parent planning permission, although I have no information about the status of these conditions. As such, I have imposed those that I consider remain relevant and meet the tests of conditions. I have made slight amendments in the interests of precision and to avoid unnecessary pre-commencement requirements. In the event that some of the conditions have in fact been discharged, that is a matter which can be addressed by the parties.
18. A section 73 planning application cannot be used to vary the time limit for implementation. As such, condition 1 requires the development to be begun before the expiration of 3 years from the date of the parent planning permission. Condition 2 is needed in the interests of clarity. I have added the list of approved drawings into this condition so it is precise.
19. Condition 3 is needed to ensure the development is of a satisfactory appearance. Condition 4 is imposed in the interests of highway safety. Condition 5 is needed to secure a net gain in biodiversity. I have made slight amendments to these conditions as there is no reason they should include pre-commencement requirements. Condition 5 has also been modified to be more precise on the approval of future habitat creation works.
20. Condition 6 is the proposed condition and it is included as unrestricted use of the development could pose a risk to highway safety and lead to significant numbers of visitors who would need to travel by car. Condition 7 is needed to protect openness and visual amenity of Green Belt land. Condition 8 protects biodiversity and habitats whilst condition 9 is needed to achieve a net gain in biodiversity. I have slightly amended condition 9 for precision reasons.
21. It is suggested an additional condition should be included that requires the provision and retention of visibility splays as shown in the appellant's access note. However, land within the splay areas is not within the defined appeal site. Moreover, regardless of the splays that are provided, the development subject to the proposed condition would not result in any meaningful increase in car movements compared to the existing situation. As such, the condition would be unreasonable and unnecessary and so it has not been imposed.

Conclusion

22. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from 24 November 2022, the date of planning permission Ref 22/00522/FUL.
- 2) The development authorised by this permission shall be carried out in complete accordance with approved plans 2111-92-P00 (location plan), 2111-96-P00 (existing site layout), 2111-190-P01 (existing stables plans and elevations), 2111-101-P00 (proposed site layout) and 2111-200-P00 (proposed plans and elevations), except insofar as may be otherwise required by other conditions to which this permission is subject.
- 3) No construction works above ground level on the development hereby approved shall be commenced until full details of the external cladding, blockwork and roof materials have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development, unless otherwise agreed in writing by the local planning authority.
- 4) No construction works above ground level on the development hereby permitted shall commence until a sustainably drained, 5m wide bound and porous retaining strip is implemented directly behind the highway boundary covering the full width of the vehicular access and this shall thereafter be retained for the lifetime of the development.
- 5) No construction works above ground level on the development hereby permitted shall commence until a Construction Environment Management Plan and Habitat Management Plan have been submitted to and approved in writing by the local planning authority. These shall detail future habitat creation works (and sustained good management thereof) to be implemented to secure a biodiversity net gain to a value of no less than 0.6BU. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development, unless otherwise agreed in writing by the local planning authority. Any monitoring shall also be carried out in accordance with the submitted details.
- 6) The development hereby approved shall be used only for private and domestic equestrian uses and shall not be used for any commercial uses, such as commercial livery or commercial riding stables, including the staging of public events, gymkhanas or for use as a riding school.
- 7) The existing stable block shall be demolished prior to the first use of the replacement stable block.
- 8) Demolition and construction shall be undertaken in complete accordance with the methods of working set out in section 5 of the Preliminary Ecological Appraisal dated 2 August 2022 which includes following a Precautionary Working Method (PWM) under the supervision of a licenced ecologist for newts.
- 9) Prior to the first use of the development hereby permitted, a brick-built bat box shall be installed at the gable apex of the stable as shown in section 5 of the Preliminary Ecological Appraisal dated 2 August 2022.