



---

## Appeal Decision

Site visit made on 20 August 2025

**by N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 05 September 2025**

---

**Appeal Ref: APP/B3438/W/25/3367938**

**Well House Farm, Rudyard Road, Biddulph Moor, Staffordshire ST8 7JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mrs Pauline Dishman against Staffordshire Moorlands District Council.
  - The application Ref is SMD/2025/0092.
  - The development is proposed 40m x 20m all-weather manège to exercise horses for private use and associated landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for proposed 40m x 20m all-weather manège to exercise horses for private use and associated landscaping at Well House Farm, Rudyard Road, Biddulph Moor, Staffordshire ST8 7JW in accordance with the terms of the application, Ref SMD/2025/0092, subject to the conditions in the attached schedule.

### Background and Main Issues

2. The appeal is made following the failure of the Council to give notice of their decision on the application within the statutory period. In response to the appeal, the Council has prepared a Statement of Case (SoC) outlining its view that the appeal should be dismissed on the basis that the Council are not satisfied that the development can meet its statutory obligations with regard to Biodiversity Net Gain. The appellant has had an opportunity to comment on the Council's SoC.
3. The appeal site is located within the open countryside, on Green Belt land. As the design of the proposed manège is of a typical appearance and it would be appropriately sited, it would comply with paragraph 154.b) of the National Planning Policy Framework (the Framework). Therefore, the proposal does not constitute inappropriate development in the Green Belt. It would also not harm the character and appearance of the area.
4. Given the foregoing, the main issue raised by this appeal is whether the proposed development makes adequate provision for Biodiversity Net Gain (BNG).

### Reasons

5. The appeal site comprises a horse paddock, adjacent to a number of stable buildings at Well House Farm. The surrounding countryside has a prevailing rural character with open fields, agricultural and equine buildings, as well as sporadic residential dwellings.

6. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for BNG, and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met.
7. The appellant claims that the proposal is exempt from the regulations as it relates to development which is subject to the de minimis exemption. However, although it is identified that the existing on-site habitat has been destroyed by over grazing, there is otherwise sparse information as to the reasons why the proposal is exempt from the regulations. As such, and without any evidence to suggest otherwise, it follows that the proposal is subject to the general BGC, as set out in the Act.
8. Notwithstanding the above, the planning application was supported by a Preliminary Ecological Appraisal; a Biodiversity Net Gain Matrix document, February 2025; and The Statutory Biodiversity Metric.
9. Habitats on the appeal site are identified as modified grassland, with some areas of bare ground also recorded. Therefore, the proposed manège would inevitably result in harm and loss of habitats on the site.
10. To compensate for the loss to habitats, the Biodiversity Net Gain Matrix document identifies that BNG exceeding 10% can be achieved via native tree planting and improving the modified grassland with a wildflower and grass seed mix on land adjacent to the proposed development. In addition, it is suggested that a 'Biocube' planter would be located within the site. Presumably next to the proposed manège.
11. The Council suggest that without comments from consultees they cannot be certain that the minimum national information requirements related to BNG have been satisfied. It is also suggested that a legal agreement is required to secure the off-site habitat. Nevertheless, the information submitted with the appeal is robust and demonstrates that BNG would be delivered within the red edge of the application site. As such, BNG can be secured by the BGC.
12. The general BGC has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Act. On this basis, the Planning Practice Guidance (the PPG) strongly encourages decision makers to not include the BGC, or the reasons for applying it, in the list of conditions imposed in the written notice when granting planning permission. However, a condition to secure a Habitat Management and Monitoring Plan is reasonable and necessary and would expand on the previously submitted Landscape and Ecological Management Plan - Outline Plan. This would, amongst other things, secure the maintenance of the enhancement for at least 30 years after the completion of the development. Indeed, the appellant has agreed to this being secured as a pre-commencement condition.
13. Based on the evidence before me, the proposal would be capable of meeting the mandatory requirements for a minimum of 10% BNG, in accordance with the statutory framework. I therefore find that it would not conflict with the requirements of the Act.

### **Other Matters**

14. My attention has been drawn to a number of Public Rights of Way in proximity to the proposed development. However, I have no substantive evidence before me to suggest that the proposal would impact users of the Public Rights of Way. As such, I have not considered the matter further.

### **Conditions**

15. The Council has provided a list of suggested conditions, which I have considered with regard to the tests set out in the Framework and the PPG. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
16. In addition to the conditions set out in the main issue, it is necessary to restrict the use of the manège to private equestrian use only, as commercial equestrian activities and events would have the potential to harm the character and appearance of the area. For similar reasons, a condition which secures the approval of external lighting is reasonable and necessary to limit and prevent light pollution in the countryside.
17. A condition is required to ensure that stable waste and manure is disposed of appropriately to protect the environment and prevent pollution and nuisance to the living conditions of neighbouring occupiers.

### **Conclusion**

18. For the reasons given above the appeal should be allowed.

*N Bromley*

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 the following approved plans, numbered: 1, 2a, 3a, 4b, and 5.
- 3) No development shall commence until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved in writing by the local planning authority. The HMMP shall be prepared in accordance with the Biodiversity Gain Plan (BGP) and shall include:
  - a) A non-technical summary;
  - b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - c) The planned habitat creation and enhancement works to achieve biodiversity net gain in accordance with the approved BGP, to include details of the timing of the implementation of the works;
  - d) The management measures to be undertaken to maintain habitat in accordance with the approved BGP for a period of 30 years from the date of the completion of development; and
  - e) Details of the methodology and frequency by which the habitat creation and enhancement works will be monitored and reported to the local planning authority.

Notice in writing shall be given to the Council when (i) the HMMP has been implemented, and (ii) the habitat creation and enhancement works set out in the HMMP have been completed. The approved HMMP, including the management, monitoring, and reporting measures, shall be carried out in complete accordance with the approved details.

- 4) The manège hereby permitted shall be used for the private use of horses' incidental to the enjoyment of the property known as Well House Farm and shall not be used in connection with any commercial enterprise such as livery stables or riding school. No gymkhanas shall be held on the land.
- 5) No external lighting shall be constructed, installed, or illuminated at the site at any time other than in complete accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) Manure or effluent generated from the development hereby permitted shall be collected and stored in a dedicated storage area, with sufficient capacity to store 6 months' worth of manure. The manure storage area shall have an impermeable surface capable of containing, or facilitating the collection of, all manure generated leachate and sited at least 50 metres from all neighbouring residential properties. The burning of manure as a means of disposal is not permitted.