



Appeal Decision

Site visit made on 28 August 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/J3720/W/25/3366874

Walnut Tree Cottage, Alcester Road, Little Alne, Aston Cantlow, Warwickshire B95 6HW

- 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 R Hartwell against the decision of Stratford-on-Avon District Council.
- The application Ref is 24/02170/FUL.
- The development is the erection of a gym.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a gym at Walnut Tree Cottage, Little Alne, Aston Cantlow, Warwickshire B95 6HW in accordance with the terms of the application, Ref 24/02170/FUL and the plans submitted with it, including ref. 9764-B-100 (Location Plan), 9764-D-200 (Site Plan), 9764-B-300 (Gym Plan and Elevations), subject to the following conditions:
 1. The development hereby permitted shall only be used as a gym for purposes incidental to the dwelling known as Walnut Tree Cottage and for small scale personal training sessions with no more than 2 clients visiting the gym at any one time.
 2. The development hereby permitted shall only be open to and used by clients for personal training sessions between the hours of 09:00 and 17:00 hours Monday to Fridays, 10:00 and 13:00 hours on Saturdays and shall not be used for client personal training sessions at any time on Sundays, Public or Bank Holidays. Outside of these client personal training session hours only the occupants of Walnut Cottage may use the gym for purposes incidental to the enjoyment of the dwelling house.

Preliminary Matters

2. The description has been amended to reflect that given on the decision notice, which appropriately describes the new development while removing reference to matters that do not constitute acts of development. As the gym building has already been built and is in use, I have dealt with the appeal on this basis.
3. The appeal evidence sets out that, since the Council determined the planning application for the gym, updated Flood Maps have been produced by the Environment Agency. These now indicate that the appeal site lies within Flood Zone 1 and is therefore no longer located within an area at high risk of flooding.
4. Additionally, since the application was determined the National Planning Policy Framework (the Framework) was updated in December 2024 and is therefore a

material consideration in this appeal. The updates include changes relating to development in the Green Belt. Having regard to this, the Council considers that the development would not constitute inappropriate development in the Green Belt. In light of these material changes, the Council no longer wishes to defend its reasons for refusal.

Main Issues

5. The main issues in this appeal are:
- whether the appeal scheme is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies and, if inappropriate, whether any harm by reason of inappropriateness, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development; and,
 - the effect of the appeal scheme on flooding.

Reasons

Green Belt

6. The appeal development lies within the side garden area of the host property. It is enclosed on two sides by boundary walls to the appeal property, including a tall wall to the road frontage and shared boundary wall with the neighbouring residential property. While the appeal building differs to the structure it replaced, has raised the height of the boundary walls and is not insignificant in size, it is not a large structure and is smaller than other buildings within the grounds of the host property and nearby dwellings. It is a low, single storey building that is not visually prominent from public vantage points. Furthermore, the building does not encroach onto land beyond the garden area of the host property or onto open land beyond other existing built structures. As such, the appeal building does not discernibly reduce or harm the openness of the Green Belt, either spatially or visually.
7. In view of the above, the appeal building is not inappropriate development in the Green Belt, as it comprises limited infilling that would not cause substantial harm to the openness of the Green Belt, in accordance with exception g) of paragraph 154 of the Framework. Therefore, there is no conflict with Policy CS.10 of the Stratford-on-Avon District Core Strategy (July 2016) (CS), which upholds the purposes of the Green Belt by restricting inappropriate development within it in accordance with national policy.

Flooding

8. The evidence provided sets out that the appeal site is now within Flood Zone 1, as defined by the Environment Agency's flood maps. This means it is in an area at low risk of flooding, where there is no requirement for a Flood Risk Assessment or sequential test for new development. Nevertheless, the appellant has provided a Flood Risk Assessment with their statement of case, which confirms the appeal site is in Flood Zone 1.
9. Therefore, although concerns have been raised by interested parties regarding flooding in the surrounding area, the appeal scheme does not and would not have a harmful effect on flooding due to its location. Accordingly, it complies with the provisions of Policy CS.4 of the CS, which, amongst other matters, requires

all development proposals to be located in Flood Zone 1 to minimise the risk of flooding.

Other Matters

10. The retrospective nature of the appeal scheme and assertion that other development within the wider appeal site has been built without permission, does not affect my findings on the main issues relating to the appeal scheme and its individual merits. It is for the Council to consider matters related to alleged unauthorised development at the appeal site, as such falls outside the scope of this appeal.
11. As the gym is to be used for clients as well as personal use by the occupiers of the host property, this will increase traffic movement to and from the appeal site. However, the number of clients visiting at any one time is to be limited to no more than two, which can be appropriately controlled by condition. This will ensure the number of additional vehicular movements would not be significant, and there is sufficient space within the appeal site to accommodate off-road parking for clients. Also, I observed during my site visit that there is sufficient space off-road in front of the access gates, to allow vehicles to wait while using the intercom entrance system currently in place at the property. Furthermore, no objections have been raised by the local highway authority. Consequently, subject to conditions, the appeal scheme is unlikely to cause an unacceptable impact on highway safety.
12. The use of the gym could potentially cause noise and disturbance to the living conditions of nearby occupiers, particularly through loud music, more intensive use of the property, and unsociable hours of operation. However, these impacts could be appropriately managed by conditions that restrict the times of client use, ensuring no undue harm is caused to nearby residents.
13. Even if the appeal scheme has resulted in the loss of a tree, it has not been shown that this has a harmful effect on the character and appearance of the area, biodiversity, or other relevant interests. Therefore, in view of such and my site observations, such tree loss has not had any undue detrimental impacts.

Conditions

14. Having regard to the advice contained within the Planning Practice Guidance and the Framework, I have considered the conditions suggested by the Council and the subsequent comments made by the appellant. As the development is retrospective, conditions relating to implementation and plans are not necessary, although I have referred to the relevant plans in my decision.
15. In view of the less sustainable location of the appeal site and the potential for the client use of the gym to cause general noise and disturbance to the living conditions of nearby occupants, as referred to above, it is necessary to restrict the hours of operation for clients and number of clients attending the gym at any one time. I have amended the wording of the hour's restriction condition in the interests of clarity and to ensure no client use takes place on public as well as bank holidays, in order to protect the living conditions of neighbours on such additional days of rest.

16. However, with the use and hours restricted for clients attending the gym, it is unlikely that such limited use would generate harmful noise and disturbance to nearby residents, even if amplified noise is used. Furthermore, the occupiers of the host dwelling could use the gym at any time, in addition to the daily use of their garden and home, which could generate a level of noise to nearby residents. This would be difficult to differentiate from the client use of the gym. In view of such, it would be unnecessary and unreasonable to restrict any audible levels of noise caused beyond the appeal site. Also, the requirement to submit a detailed noise management plan would be excessive for the scale of the development and its use and therefore unreasonable in this instance.
17. While the provision of a water butt would assist the sustainable use of water resources aligned with the provisions of Policy CS.4 of the CS, the appeal scheme would not be unacceptable without it. Therefore, a condition requiring such provision would be unnecessary and so, would not meet the relevant tests for conditions.

Conclusion

18. For the reasons given above, the appeal scheme would accord with the development plan read as a whole and there are no material considerations that indicate otherwise.
19. Accordingly, the appeal is allowed.

C Billings

INSPECTOR