



Appeal Decisions

Hearing held on 3 September 2025

Site visit made on 4 September 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal A Ref: APP/J3720/C/25/3363273

Building at Sheep Leys Covert, Campden Road, Clifford Chambers, Stratford-upon-Avon, Warwickshire CV37 8LB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr John Lea against an enforcement notice issued by Stratford-on-Avon District Council.
- The notice was issued on 25 February 2025.
- The breach of planning control as alleged in the notice is without planning permission, operational development consisting of partial demolition and significant alterations of former agricultural building, together with additional building works, to create a new building for use as dwelling.
- The requirements of the notice are to:
 - a) Demolish the building which is in the approximate position edged in red on the Plan; and
 - b) Remove all materials arising from requirement a) above from the Land.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is allowed and the enforcement notice is quashed.

Appeal B Ref: APP/J3720/W/25/3363034

Sheep Leys Covert, Campden Road, Clifford Chambers, Warwickshire CV37 8LB

- 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 and Mrs Neil and Kate McLeod against the decision of Stratford-on-Avon District Council.
- The application Ref is 24/02685/FUL.
- The development proposed is change of use of former agricultural building to a residential dwelling with associated operational development and the change of use of existing outbuilding to ancillary use.

Summary of Decision: The appeal is allowed.

Appeal A

The ground (b) and (c) appeals

1. The ground (b) appeal is the alleged breach of planning control has not occurred as a matter of fact. However, the basis on which the ground (b) appeal has been made means it is intrinsically linked to the ground (c) appeal in that the description of the alleged breach of planning control as alleged in the enforcement notice (the notice) should reflect the appellant's contention that the works carried out accord with the details approved in the prior approval notification application granted by the Council¹.

¹ Council reference 23/01566/COUQ

2. Accordingly, I have determined the arguments made under the ground (b) appeal on the basis that they are part of the ground (c) appeal.
3. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
4. The crux of the matter is whether the development that has been carried out is in accordance with the details approved in the prior approval notification application² granted approval on 13 July 2023. Both parties are in agreement that in the event I find the development is in accordance with the approved details the ground (c) appeal would succeed and it is not open to me to consider whether or not the development would comply with the limitations and conditions of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. There is no dispute the approved prior approval notification application details are permitted development by virtue of Class Q.
5. The prior approval notification application was for the change of use of an existing agricultural barn to one dwelling. The application included three drawings – a site plan³, survey drawings of the existing building⁴, and proposed floor plans and elevations⁵.

The original building

6. The survey drawing depicts the four elevations of the original building. Elevation 36 (front elevation) had 3 open bays. One bay was entirely open. The other two bays had a narrow block wall, approximately half the height of the elevation, adjoining either side of one of the metal stanchions with each bay enclosed by a gate. Elevation 35 (east elevation) and elevation 34 (rear elevation) each had a block wall approximately half the height of the elevation, with the upper half being clad in metal sheeting. Elevation 33 (west elevation) was clad entirely in metal sheeting.
7. All four elevations in the survey drawing have a uniform ridge height. However, the ground level on each elevation differs, indicating the ground level sloping down from the front of the building to the rear. This is clearly depicted on the elevations, with the base of the front elevation wall being discernibly higher than the base of the rear wall and a clearly drawn line that could only be reasonably read as sloping ground.
8. It is noted that none of the elevations on the survey drawing indicate what the floor level was. Furthermore, none of the photographs of the original building definitively depict the floor level as the floor was covered in manure at the time. Nevertheless, the appellant confirmed in the Hearing that the floor level sloped down from the front of the building to the rear, largely in accordance with the gradient of the ground level depicted in the survey drawing.

The development that has been carried out

9. The works that have been carried out to date include the replacement of the entirety of the block walls with new block walls at the full height of the elevations; the removal of the floor and its replacement with a new concrete floor at a lower

² Council reference 23/01566/COUQ

³ Drawing Number 22-472-06a

⁴ Drawing Number 22467FP

⁵ Drawing Number 22-472-04a

level; the removal of all of the metal sheet cladding from the walls and roof; and, the installation of an internal timber frame. There is no dispute that all that has been retained of the original building is the steel frame.

The approved prior approval application

10. The Decision Notice for the prior approval notification states 'Prior approval for the change of use of an agricultural building to one dwelling subject to the development being carried out in accordance with the details submitted with the application and the following conditions and notes'. Condition 1 states '...the development shall be carried out strictly in accordance with the following plans and documents; Dwg no: 22467FP - Survey Drawings, Dwg no: 22-472-04a - Floor Plans and Elevations; Dwg no: 22-472-06a - Site Plan.'

The concrete floor

11. The proposed elevations and floor plans drawing depicts the four elevations with uniform ridge heights. Moreover, the ground level is flat and uniform across all the elevations. In comparison with the survey drawing, this indicates that the proposed works included levelling the ground level around the building. The height of the front elevation is higher than on the survey drawing, which can only mean one of two things; either the ridge height of the building would be raised, which is clearly not the case, or the ground level of this elevation is to be lowered to match that of the rear elevation.
12. There is no indication on the drawings of what the floor level would be. However, a reasonable reader would clearly infer that the ground floor level of the building would be at the base of the external doors. Any other reading of the drawings would be illogical, particularly the view that they indicate the original floor would be retained as this would mean the ground floor level would be approximately halfway up the height of the front door.
13. Notwithstanding the above, the planning statement that accompanied the prior approval application stated '*...with the existing concrete floor...retained*'. This raises some ambiguity in the application submission as this statement clearly conflicts with what is indicated on the drawings. On reading this statement alone, it is understandable to take the view that the existing floor would be retained. However, reading the application as a whole, which is how it should be read, the drawing is the more important document, especially as it is specifically referred to in the approved list of plans that the development shall be carried out strictly in accordance with, attached to Condition 1. Therefore, when read as a whole, the details in the approved prior approval notification include for the lowering of the concrete floor.

The external walls – blockwork

14. The proposed drawings depict a large number of openings in the elevations of the building. The original front elevation had a very small amount of blockwork either side of one of the stanchions. The drawings depict approximately half of one of these walls being removed to install a window. The drawing of the rear elevation, which originally had blockwork along its full length, indicates three large openings and a door, which would have required the removal of a substantial amount of the blockwork. Similarly, the east elevation depicts two large openings, resulting in very narrow walls either side of them.

15. As a result of the significant number of openings being created in the blockwork walls, if it was intended that the remaining original blockwork was to be retained then it is unlikely that such blockwork would be structurally safe. This is due to their narrowness and the likely process of cutting into and knocking out the blockwork to create the openings, thus compromising the structural integrity of the retained blockwork.
16. There is no explicit reference within the prior approval application submission that any of the blockwork of the original building would be retained. Nevertheless, the planning statement accompanying the prior approval application states '*with the...structural elements of the external walls...retained.*' The question is whether the blockwork falls to be within the '*structural elements of the external walls*'.
17. The 'Report on suitability for conversion into residential accommodation' document, carried out by GCA Consulting, dated May 2023 (the GCA report), states '*The blockwork on three sides assists with lateral stability and the side and roof sheeting act as diaphragms to transfer wind loads to the steel framing*'.
18. During the Hearing, Ian Harban of Ian Harban Consulting Engineers explained that almost any wall in any building could be described as assisting with lateral stability. In this instance, he considered the structural element of the external walls was the metal frame. This is supported by the fact the structural calculations in Appendix B of the GCA report only relate to the metal frame.
19. The external wall comprises three components – the metal frame, the blockwork and the metal cladding. Whilst the planning statement refers to structural elements of the external walls, in the same paragraph⁶ it also states, '*New windows and doors would be inserted as required to provide ventilation, light and access to the curtilage space and some of the non-structural elements would need to be replaced on a like for like basis where their condition necessitates.*' The reference to 'non-structural elements' indicates that not all of these three components are structural elements. In the context of this sentence, it is reasonable to conclude that in referencing the insertion of new windows and doors, the non-structural elements it is referring to is the blockwork and metal cladding.
20. I acknowledge that in making this finding, it raises the question that only '*some*' of the external non-structural elements would be replaced. However, the approved details must be viewed as a whole. Notably, as I have referred to, the drawings indicate a substantial number of openings in place of the original blockwork. Moreover, during the hearing the appellant confirmed the base of the blockwork walls on the original building were not the same level. As a consequence, due to the drawings indicating the ground would be levelled, it is inevitable that the original blockwork would need to be replaced as the new wall would have a lower ground level, otherwise some of the blockwork would have had to have floated in mid-air once the ground beneath it was lowered.
21. The Council suggest the survey drawing of the original building may not accurately portray what the building and the ground level was before. However, in the absence of any evidence to the contrary and the fact there appears to be no inconsistency between the numerous photographs of the original building and the survey drawing, I consider the survey drawing to be accurate.

⁶ Page two, 3rd paragraph

22. Overall, viewing the approved details as a whole, I do not consider that the reference to the retention of the structural elements of the external walls includes the blockwork. Moreover, based on the lack of any explicit reference to the retention of the blockwork; the very limited amount of blockwork in place of the original blockwork; and the reasonably expected consequences of the works necessary to create the openings in the elevations, I consider that the details as approved did not include for the retention of the original blockwork.

The external walls - sheet cladding

23. The proposed elevations and floor plans drawing has a note that states '*Cladding to walls to be retained and repaired and where required replaced with cladding to match existing profile...*' This provides some scope for the replacement of the cladding if it is required to do so.
24. During the Hearing, the appellant confirmed the metal sheeting was in a poor condition and not repairable. Ian Harban confirmed that any holes in the metal sheeting would make it unsuitable for use as the sheet would no longer be waterproof and could not simply be repaired by filling in the holes. Repairing galvanised steel sheeting is very uncommon due to the extensive process involved as to repair a hole would require the galvanised coating to be removed, the hole repaired through welding and then the sheet regalvanised. Such a process would not be financially viable, so much so that Ian Harban confirmed he has never heard of it having been done.
25. The approved floor plans indicate there would be blockwork at both ground and first floor. The original timbers to which the metal cladding was affixed appeared to be directly above the original blockwork. Therefore, in order to install blockwork at first floor level, directly above the ground floor level blockwork, these original timbers would have to be removed, which would inevitably mean the metal cladding would also have to be removed. The screws/nails affixing the cladding to the timbers would have created holes in the cladding; holes that, as set out above, would not feasibly be repairable. Consequently, the original metal cladding was required to be replaced.
26. Therefore, based on the evidence before me, including the appellant's confirmation that the metal cladding was irreparably damaged, and the lack of any evidence to the contrary, on the balance of probabilities the replacement of the entire metal cladding falls within the scope of the approved details, ie due to it being irreparable it was required to be replaced.
27. The Council initially raised concern that the proposed cladding, that has yet to be installed, would project from the wall and therefore extend beyond the external dimensions of the building. As a consequence, they argue it would fail to comply with the limitations of Class Q. However, as this cladding has yet to be installed, it does not form part of the breach of planning control and therefore is not a matter for my consideration as part of Appeal A.
28. I find therefore, the approved details allow for the replacement of the metal cladding if required.

Are the works carried out in accordance with the approved details?

29. The works to the original building are extensive and all that remains of it is the metal frame. However, based on the written and oral evidence, on the balance of probabilities, the approved proposal includes for the creation of a new, lower concrete floor and the replacement of the blockwork walls and metal cladding. Accordingly, the development to date has been carried out in accordance with the approved details, notably, and most importantly, in accordance with the approved drawings referred to in Condition 1.
30. I acknowledge there are inconsistencies in some of the details approved, which perhaps led to the Council misinterpreting the proposal. However, whilst it was open to the Council to seek clarity on these inconsistencies during their consideration of the application, they did not do so.

Conclusion on the ground (b) and (c) appeals

31. I find therefore, as the development has been carried out in accordance with the approved prior notification application details, no breach of planning control has occurred. Therefore, the grounds (b) and (c) appeals succeed and I shall quash the notice. The appeal under grounds (f) and (g) do not therefore fall to be considered.

Appeal B

Main issues

32. The main issues in this appeal are:
- Whether the development is located in a suitable location, having regard to local and national planning policy;
 - The effect of the development on the character and appearance of the area; and
 - If the development is not in accordance with the development are there other material considerations that would outweigh this conflict.

Location

33. Policies CS.15 and CS.16 of the Stratford-on-Avon Core Strategy 2011-2031 (SACS) set out the Council's strategy for the distribution of new housing throughout the district. There is no dispute the appeal site is located outside any of the identified areas for new housing and therefore, for the purposes of the development plan, the site is located within the countryside.
34. Policy AC.10 of the SACS supports certain types of new residential development within the countryside. Similarly, Policy H1 of the Clifford Chambers and Milcote Neighbourhood Plan 2021 (the NP) also supports new housing in the countryside; however, only for certain types of development. There is no dispute the proposal would not meet any of the types of residential development Policies AC.10 and H1 permit in the countryside.
35. Policy H2 of the NP supports affordable housing development on small sites beyond, but reasonably near to, the village boundary. However, the proposal is not for affordable housing.

36. I find therefore, the development would not be in a suitable location for new residential development and therefore would be harmful to the Council's growth strategy. As such, it would conflict with Policies CS.15, CS.16 and AS.10 of the SACS and Policies H1 and H2 of the NP.

Character and appearance

37. The appeal site is located in a countryside location comprising agricultural fields interspersed with farmsteads and small clusters of dwellings. It forms part of a complex of redundant farm buildings, including a farmhouse. These buildings vary in size, design and materials. Surrounding the complex are fields bounded by mature hedging and woodland, largely screening the site from outside views into the site.
38. During the Hearing, the Council confirmed that the harm to the character and appearance of the area does not derive from the building itself but through the domestication of the site.
39. The original building was an agricultural building that was part of an agricultural unit comprising numerous buildings, including the original farmhouse. There would have been some previous residential activity within the wider site, due to the occupation of the farmhouse. However, the farmhouse is located some distance from the appeal building. Therefore, there would likely have been minimal residential activity and domestic paraphernalia, such as sitting outside, children playing, garden furniture or hanging out clothes, in the immediate vicinity of the appeal building. Much of the activity associated with the building would likely have been agricultural in nature.
40. The use of the building and its associated garden area for residential use would result in a noticeable change in the character and appearance of the site from what was otherwise generally agricultural in nature to residential. However, the significant screening provided by the surrounding hedgerows and trees and the lack of any overlooking neighbours would ensure that any such change would only be discernible from within the site and through glimpsed views when driving past the entrance to the site along Campden Road.
41. The s78 proposal also includes the change of use of an existing delapidated timber outbuilding for use as domestic storage ancillary to the proposed dwelling. Regardless of the lawful use of the building, it is within proximity of the proposed dwelling, leading directly off the driveway adjacent to the access into the site. The use of the access and driveway would have some residential character associated with it, with domestic use cars entering and parking on the land. The use of this small outbuilding for the storage of domestic items such as bicycles would not materially increase the domestic use of the site to any discernible effect. Moreover, the building is well-screened from public and private views. Accordingly, I do not find that the use of the building for ancillary purposes to the proposed dwelling would be harmful to the character and appearance of the area in itself.
42. I acknowledge the Council's concern regarding the strip of land adjacent to the south of the driveway and that residential activity on this area of land would be prominent from the road. However, much of this area of land is occupied by a hedgerow that has been planted and the remaining area is very small, to the extent that very little activity could reasonably take place to be of any material effect.

43. Overall, the use of the building as a dwelling would introduce a residential use where there is currently none. The activities and paraphernalia associated with such a use would diminish the agricultural and rural character of the site and surrounding land. I find therefore, the development would unacceptably harm the character and appearance of the area. As such, it would fail to comply with Policies CS.5 and CS.9 of the CS, which seek to protect the character and distinctiveness of the locality.

Other material considerations

44. As a result of my finding on Appeal A, the development that has so far been carried out in accordance with the approved prior approval notification application represents a more than theoretical proposition. Accordingly, as a fall-back position, this is attributed substantial weight.
45. The dwelling that is the subject of the prior approval notification is very similar to the dwelling that is the subject of Appeal B. In terms of the principle of development, this is already established in the fall-back position and therefore, in the event I dismiss Appeal B, there would still likely be a dwelling created through the carrying out of the prior approval development that is the subject of Appeal A. As a consequence, the conflict that Appeal B has with the development plan, in terms of its location, would be negated by the fact that the building would become a dwelling in any event by virtue of Appeal A.
46. The only material difference between the dwelling that is the subject of Appeal A and that of Appeal B is the larger appeal site in Appeal B that encompasses the access and driveway; the strip of land adjacent to the driveway; the outbuilding to be converted; and, there is a slight change in the internal layout of the dwelling. The Council only raises objection to two of these differences – the strip of land and the change of use of the outbuilding. However, as set out in my findings on the effect of the development on the character and appearance of the area, I find that neither of these elements would result in any harm. Consequently, the Appeal B development would not have any greater harm on the character and appearance of the area than Appeal A.
47. Given the above, as a result of the fall-back position, the proposed development would have no greater harm than what has already been approved and is currently under construction. Consequently, the Appeal B development is acceptable.

Conditions

48. I have considered the suggested conditions, having regard to the tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
49. For the avoidance of doubt, it is appropriate there is a condition requiring that the development is carried out in accordance with the approved plans.
50. In the interests of the character and appearance of the area, conditions are necessary requiring details of landscaping; a restriction on the use of the outbuilding to being used incidental to the dwelling; and, bin storage and collection points to be provided. For the same reason, in order to preserve the agricultural character of the building, I consider there are exceptional circumstances that justify

the removal of permitted development rights pertaining the erection of structures/buildings within the curtilage of the hereby approved dwelling.

51. In the interests of highway safety, conditions are necessary requiring the prevention of gates, barriers or means of enclosure across the vehicular access within 6m of the highway boundary; and, ensuring an adequate width vehicular access and visibility splays are provided.
52. In the interests of sustainable water usage, a condition is necessary requiring the installation of a water butt.
53. I have had regard to the suggested condition ensuring the dwelling is constructed as a self-build dwelling. However, as the dwelling is acceptable regardless of it being a self-build dwelling, restricting it to such via the imposition of a condition would be unreasonable. Moreover, the imposition of a condition requiring the installation of an electric vehicle charging point is not necessary as this is a requirement of Building Regulations.

Planning Balance and Conclusion

54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. I have found that the proposal would conflict with the Development Plan. However, the proposal would not have any materially greater effect on the Council's growth strategy, in terms of its location, nor on the character and appearance of the area than the identified fall-back position. Accordingly, I find that the existence of the fall-back position outweighs the conflict with the development plan.
55. I find therefore, whilst the development would fail to accord with the development plan, there are material considerations that indicate the appeal should be allowed.

FORMAL DECISIONS

Appeal A

56. The appeal is allowed and the enforcement notice is quashed.

Appeal B

57. The appeal is allowed and planning permission is granted for the change of use of former agricultural building to a residential dwelling with associated operational development and the change of use of existing outbuilding to ancillary use at Sheep Leys Covert, Campden Road, Clifford Chambers, Warwickshire CV37 8LB in accordance with the terms of the application, Ref 24/02685/FUL, dated 22 October 2024, subject to the conditions contained in the Schedule attached to this decision.

A Walker

INSPECTOR

APPEARANCES:

FOR THE APPELLANT:

Rueben Taylor KC Counsel for the appellants

Neil McLoed Appellant

Kate McLoed Appellant

John Lea Appellant

Tamsine Swan Planning Associate, Dobson Grey Ltd

Ian Harben Consulting Engineer, Harban Redwood Consulting Engineers

Dinah Patel Director, Fieldfisher

FOR THE LOCAL PLANNING AUTHORITY:

Alex Williams Counsel for the Council

Matthew Coyne Assistant Team Leader, Stratford-on-Avon District Council

Joshua Cooper Planner, Stratford-on-Avon District Council

INQUIRY DOCUMENTS:

1. Council's model planning condition for Self and Custom Build housing, submitted by the Council
2. Comments from Julian Philcox, submitted by the Council
3. Appeal decisions APP/J3720/W/25/3358848 and APP/J3720/C/24/3345345, submitted by the Council

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings – Site Location Plan (submitted 30/10/2024); Proposed Block Plan (submitted 10/12/2024); and, 24-601-01b (Proposed Floor Plans and Elevations).

- 2) Within 6 months of the date of this permission a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the local planning authority.

This landscaping scheme shall include:

- planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
- existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- location, type and materials to be used for hard surfacing where applicable for permeable paving, including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
- the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
- car parking layout and any other vehicular and pedestrian access and circulation areas; and
- a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

- 3) The outbuilding labelled as (1) on the approved Proposed Block Plan shall not be used for any other purpose than incidental to the use of the dwelling hereby permitted.
- 4) No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.
- 5) The development shall not be occupied until the existing vehicular access to the site has been widened to a minimum width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway and shall remain as such thereafter.

- 6) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 7) Prior to occupation of the dwelling hereby permitted, details of the proposed location of bin storage and collection points associated with the dwelling, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the dwelling and shall be maintained and remain as such thereafter.
- 8) The hereby permitted dwelling shall not be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to a downpipe, which shall be maintained and remain thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 1 Classes A, AA and E to that Order shall be carried out.