
Appeal Decision

Site visit made on 30 September 2025

by **R J Jackson BA MPhil DMS MRTPI MCMI**

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal Ref: APP/J1860/W/25/3359816

Wood Street Farm Bungalow, Wood Street, Bushley, Tewkesbury GL20 6JA

- 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 N Scarsbrook against the decision of Malvern Hills District Council.
 - The application Ref is M/22/01464/CU.
 - The development proposed is change of use of existing building and land to private equestrian trainer use to include: Indoor: 26 stables, tack room, hay and food storage. Outdoor: lunge pen, arena with post and rail fence, horse walker and gallop circle.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing building and land to private equestrian trainer use to include: Indoor: 26 stables, tack room, hay and food storage. Outdoor: lunge pen, arena with post and rail fence, horse walker and gallop circle at Wood Street Farm Bungalow, Wood Street, Tewkesbury GL20 6JA in accordance with the terms of the application, Ref M/22/01464/CU, subject to the conditions in the attached schedule.

Preliminary Matters

2. An amended plan was submitted during consideration of the application showing a landscaped strip adjacent to Wood Street Cottage. It is not clear whether the Council considered this as part of its decision making process, however, it is referred to in a number of the representations. I am therefore satisfied that there has been sufficient publicity, and as this does not fundamentally change the nature of the application, I have taken it into account.
3. In December 2024 the Government published a revised National Planning Policy Framework (the Framework). The main parties had the opportunity of responding to any changes in their statements of case. I have used the revised paragraph numbering in this decision.

Main Issue

4. The main issue is the effect on Wood Street Cottage, a Grade II listed building.

Reasons

5. Access to the proposed development is by way of a single track running to the southwest of Wood Street Cottage from Wood Street. Wood Street Cottage dates from the seventeenth century and is a timber framed building with painted brick and plain tiles, although it has modern end wall stacks. The walls of the southwest elevation facing the track are not all vertical, with some leaning slightly out and

others slightly in. There are four casement windows on both the ground and first floors opening over the track.

6. For the purposes of this appeal, the significance of the listed building relates predominantly to its age, and how it relates to that track, which is also a public right of way.
7. The proposed development would involve the conversion of one of the existing barns on site into stables, and associated facilities, although the question marks on the drawings means that there is some uncertainty as to the precise activities proposed. However, I am satisfied that the overall proposal as set out in the heading is clear. To the northwest, and to the rear of the property known as The Tump, would be an arena and a lunge pen. To the south of the converted barn would be a horse walker and to the southwest a muck heap. Beyond to the southwest, in the southern part of the adjacent field would be constructed a circular sand gallop.
8. The sole access to the site would be along Wood Street, which I am advised is a private road, although also a public right of way.
9. The appellant indicates that staff activities would be between 6.30 a.m. and 1.00 p.m., and then further activities between 3.30 p.m. and 6.00 p.m., with a final check at 10.00 p.m. This would be seven days a week. The appellant states that there would be between 3 and 5 full time employees at a ratio of 1 member of staff per 6 horses. In addition, there would be feed and hay and straw deliveries. Although not mentioned by the appellant there would also be horses being taken to and from events and additional visitors such as vets and owners.
10. Concern has been expressed about potential vibrations leading to adverse effects on Wood Street Cottage due to its proximity, it being stated that the listed building does not have conventional foundations. There are also concerns about potential conflicts between vehicles and open windows, which have been described by the owner of Wood Street Cottage.
11. I am satisfied that with the provision of the landscaped strip adjacent to Wood Street Cottage, there would be sufficient separation to ensure that physical conflicts between vehicles and the listed building would be avoided. However, I have been provided with no evidence as to the extent of potential vibrations, particularly from heavy goods vehicles (HGVs) as they pass.
12. Local residents have noted that the appeal site has not been used positively for agriculture for many years, and suggest that this use has been abandoned. While planning law recognises abandonment, the Courts have put strict limits on this, and in any event, this cannot apply to use of land for agriculture. This is because the use of any land for “agriculture” does not represent “development” under the Town and Country Planning Act 1990 and thus could be undertaken without any planning related consents.
13. With this in mind, I consider that there is a high probability, in the absence of any other use, that the site would be used for agriculture. This could include both a comparable quantum of traffic and the use of large vehicles and machinery which would have similar effects as HGVs visiting the appeal proposal. This in turn could result in physical conflicts with Wood Street Cottage as there would be no landscape strip. I am therefore satisfied when including the landscaped strip that

when compared with a lawful agricultural use there would be a small enhancement overall in conditions affecting the listed building as a heritage asset which would therefore enhance its significance.

14. To allow vehicles to readily pass the landscape strip would require the hedge on the opposite site of the track to be pruned. I am satisfied that the hedge is of sufficient width to ensure even with the necessary works there would be no harmful effects on it, either ecologically or in visual terms.
15. I am therefore satisfied that the proposal would enhance the significance of Wood Street Cottage as a listed building, since there would be no physical changes, and the proposal would enhance its setting. The proposal would therefore comply with Policies SWDP 6, SWDP 21, SWDP 24 and SWDP 31 of the South Worcestershire Development Plan which require development to conserve and enhance both heritage assets and their significances, be of high quality design and avoid adverse impacts from pollution.
16. The proposal would also comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and with paragraphs 205, 207 and 212 of the Framework, which require an assessment of significance of heritage assets, such as listed buildings and that great weight should be given to the conservation of heritage assets.

Other Matters

17. The residents of The Tump have expressed concerns about the effect on their living conditions from those using the arena and lunge pen. I am satisfied that with the distance between The Tump and these facilities and appropriate conditions discussed below, that their living conditions would not be adversely affected to an unacceptable extent. Furthermore, conditions could be imposed to ensure that the muck heap was appropriately designed and contained so as not to result in unacceptable odours or discharges.
18. Residents in the area more generally have expressed concerns on the level of traffic on West Street and that it may result in additional repairs for which they may be responsible. I have considered traffic above, and matters relating to any repairs are private matters which do not fall for consideration in a planning appeal. Whether any alternative access may or may not be available is of less import since the application needs to be considered within its own terms, which I find, overall, to be acceptable.
19. Local residents have also expressed concern about whether grooms' or other accommodation might be required. This does not form part of the proposal and would need to be considered on its own merits. Similarly, I am satisfied that separate legislation would deal with any requirements for foul drainage occasioned by the proposal.

Conditions

20. The Council did not supply a list of conditions in the event that the appeal was allowed. I therefore prepared a schedule based on the Council's report on the application. In doing this I have considered the requirements of the national

Planning Practice Guidance and the Framework. I then consulted both the Council and the appellant, particularly in the latter case as some of them would be pre-commencement conditions. These pre-commencement conditions are required to ensure that the measures would apply throughout the construction period.

21. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
22. I have also imposed a condition, relating to the materials to be used. While these are shown to some extent on the plans and application form, to ensure certainty and to protect the character and appearance of the area further details are required to be approved.
23. For the same reason, to protect living conditions, and as set out above in relation to the effects on the listed building, I have imposed two conditions relating to landscaping. The first requires a scheme, which for the avoidance of doubt should include fencing, to be submitted for approval and the second to provide for its implementation and subsequent maintenance.
24. In order to protect the character and appearance of the area and the living conditions of adjoining occupiers, I have imposed two conditions relating to the levels of the proposed development and of lighting. The latter of these also is required to protect ecology.
25. Finally, I have imposed a condition relation to the containment of the muck heap. This is to ensure that it does not adversely affect the local water environment.
26. I note in the Council's report reference was made by the Forestry Commission to the potential need for conditions to protect ancient woodland. However, as it is not asserted that the proposal would affect ancient woodland, I can see no need for any such conditions.

Conclusion

27. I am satisfied that the proposed development complies with the development plan taken as a whole. There being no material considerations which indicate that a different decision should be made, for the reasons given above the appeal should be allowed.

RJ Jackson

INSPECTOR

Schedule of conditions for Appeal Decision APP/J1860/W/25/3359816

- 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 drawing nos.

Site Location Plan	2008-03-001 Rev A
Existing Site Plan	2008-03-015 Rev A
Proposed Site Plan	2008-03-020 Rev A
Proposed Floor Plans	2008-03-200
Proposed Elevations	2008-03-201
Proposed Gallop	2008-03-250
Arena Plan, Elevations and Section	2008-03-251
Lunge Pen	2008-03-252
Horse Walker	2008-03-253
Proposed Access Layout	2008-03-025
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a scheme of landscaping, including any fencing, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All fencing forming part of the approved landscaping scheme shall be installed prior to the first use of the approved development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the approved development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall commence on site until details of the levels of the proposed development against a defined datum has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) The use hereby permitted shall not commence until a scheme for lighting, including hours of use, has been submitted to and approved in writing by the local planning authority. No lighting on site shall be operated outside of the approved scheme.
- 8) The use hereby permitted shall not commence until details of the containment of the muck heap, as shown on plan 2008-03-02 revision A, have been submitted to and approved in writing by the local planning authority and fully implemented in

accordance with the approved details. The approved details shall thereafter be retained.

END OF SCHEDULE