Planning Inspectorate

Appeal Decision

Hearing held on 9 October 2025

Site visit made on 9 October 2025

By N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2025

Appeal Ref: APP/G4240/W/25/3367377
Taunton Brook Stables, Taunton Brook Lane, Ashton-under-Lyne OL7 9HZ

- 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 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Ann Parker against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 21/01438/FUL.
- The application sought planning permission for new residential unit and stable buildings without complying with a condition attached to planning permission Ref 18/00593/OUT, dated 27 September 2018.
- The condition in dispute is No 5 which states that the occupation of the dwellinghouse hereby approved shall be limited to a person solely, or mainly, working at the establishment known as Daisy Nook and Oakhill Riding School and to any resident dependents.
- The reason given for the condition is to ensure an acceptable development in the green belt.

Decision

1. The appeal is allowed and planning permission is granted for new residential unit and stable buildings at Taunton Brook Stables, Taunton Brook Lane, Ashton-under-Lyne OL7 9HZ in accordance with the application Ref 21/01438/FUL, without compliance with condition numbers, 1, 2, 3 and 5 previously imposed on planning permission Ref 18/00593/OUT dated 27 September 2018 and subject to the conditions set out on the attached schedule.

Procedural Matters

2. At the Hearing, it was explained that the appellant occupies the dwelling for which permission was granted and is no longer associated with Daisy Nook and Oakhill Riding School. Such a relationship ceased due to a change in circumstances/ ownership which I discuss further in my decision. The dwelling has therefore been occupied in breach of condition 5 and thus has been assessed on this basis.

3. Section 73 of the Act allows an application to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. If a section 73 application or appeal is allowed, a new planning permission is created that stands alongside the existing planning permission which remains intact and unamended.

4. The Council has suggested a variation to condition 5 which ultimately removes the reference to Daisy Nook and Oakhill Riding School in light of changing circumstances. It is however the Council's view that a condition is still required

restricting the occupation of the dwellinghouse to be in conjunction with the provision of equine husbandry and welfare at the site. I discuss this further in my decision. The main parties were invited to comment on the suggested variation of the condition at the Hearing. The Council explained that the proposals seek the removal of the condition so there is no provision for the variation of the condition. Section 73 is drafted widely, and it does provide the power to attach new conditions, to not attach conditions which were previously imposed or to attach modified versions of them. I have considered the suggested variation to the condition, and it would not materially alter the development and would not result in conflict between the condition as amended and the description of development. Under the provisions of section 73, I find that the disputed condition can indeed be varied which I discuss further below.

5. The Council confirmed at the Hearing that Policy OL1 of the Tameside Unitary Development Plan, 2004 has been superseded by Policy JP-G9 of the Places for Everyone Joint Development Plan Document, 2024 (PfE). I have determined the appeal accordingly.

6. At the Hearing, the appellant submitted a snapshot of a short paragraph taken from correspondence had with HMRC regarding the DIY housebuilders scheme. The Council were given the opportunity to provide comment on this late evidence, and I have taken this into account in reaching my decision.

7. At the Hearing, the Council submitted a timeline of the planning history for the site. A copy was also supplied to the appellant, and the appellant was given the opportunity to provide comments. I have taken this into account in reaching my decision.

Background and Main Issue

8. Historically, the appeal site has been associated with the nearby riding school on Newmarket Road (Daisy Nook and Oakhill Riding School). To this end, the appellant had previously owned and run the riding school. Planning permission was granted for new residential unit and stable buildings under reference 18/00593/OUT. A condition controlling the occupation of the dwellinghouse was imposed to ensure an acceptable development in the Green Belt. Condition 5 therefore states that the occupation of the dwellinghouse hereby approved shall be limited to a person solely, or mainly, working at the establishment known as Daisy Nook and Oakhill Riding School and to any resident dependents. The appeal seeks to remove this condition, and it is the appellant’s contention that the condition is no longer necessary or reasonable due to changed circumstances regarding the ownership/relationship which I discuss further below.

9. Based on the above, the main issue is whether the condition restricting the occupation of the dwellinghouse to a person solely, or mainly working at the establishment known as Daisy Nook and Oakhill Riding School and to any resident dependants is necessary and reasonable having regard to local planning policy relating to the Green Belt.

Reasons

10. The appeal site is located to the northwest of Ashton-under-Lyne on land designated as Green Belt. It is accessed from Taunton Brook Lane, which is a narrow and unadopted road, off Newmarket Road which is located to the south.

The Daisy Nook and Oakhill Riding School is located nearby to the west which is accessed from Newmarket Road directly.

11. As set out, outline planning permission was granted in September 2018 for a new residential unit and stable buildings. This was originally permitted to function with the nearby riding school. At the time, the stables were to be used to provide isolated facilities for the recovery and recuperation of sick, sometimes previously neglected horses and the confinement and care of pregnant mares. The house was then necessary to provide secure accommodation, in the relatively secluded location, to allow the animal carers to be present at all times to carry out their duties whilst maintaining a reasonable quality of life. The application was supported by a letter from a qualified veterinary surgeon stating that the necessary animal care could not be provided adequately at the busy, commercial existing riding school premises. It was advised that it was highly desirable for a knowledgeable and competent person to be in residence on site for animal welfare reasons.

12. At the Hearing, we discussed how the outline consent had been assessed, and it was undisputed that the residential unit constituted inappropriate development in the Green Belt when assessed against both national and local planning policy. In such circumstances, paragraph 153 of the National Planning Policy Framework (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Council accepted the benefits of the dwellinghouse in facilitating animal welfare at the site amounted to very special circumstances that would outweigh the harm to the openness of the Green Belt. This was common ground between the parties at the Hearing.

13. Condition 5 limits the occupation of the dwellinghouse to a person solely, or mainly, working at the establishment known as Daisy Nook and Oakhill Riding School and to any resident dependents. This is to ensure an acceptable development in the Green Belt.

14. Since the permission was granted, the appellant's circumstances have changed and the riding school and the house, and surrounding buildings, known as Taunton Brook Paddocks, are now two separate entities having been sold off from one another with separate titles. Consequently, the dwelling is no longer part of the business it was originally permitted to function with.

15. At the Hearing, the appellant confirmed that the dwelling has been built and is being occupied by the appellant, but the stables have not been built due to subsequent revisions and further consents needed. The appellant did however confirm that the land has been and is intended to be used for equine husbandry and welfare, and that horses come onto the land for grazing or to have a foal. It was confirmed that horses have come from various establishments/areas/owners where rest and recuperation are needed. In such circumstances, the appellant explained that she is called upon to help. Recent applications both for amendments to extant planning permissions for field shelters, and for full planning permission for an additional field shelter albeit that this application was withdrawn is further evidence of the equestrian welfare use at the site.

16. Whilst the buildings are yet to be built, it was clear from my site visit that the land is used by horses by virtue of divided grass paddocks with wired fencing and also horse manure present on site. Taunton Brook Paddocks is therefore still involved in equine husbandry and welfare which the appellant confirmed at the Hearing and I therefore find such operations to be of a manner described in the original application. This was accepted as the very special circumstances that outweighed the harm to the openness of the Green Belt and thus allowed for the dwellinghouse that would otherwise have been an inappropriate development in the Green Belt.

17. The appellant confirmed at the Hearing that there is no relationship with Daisy Nook and Oakhill Riding School and that there hasn't been for a long time given the change in circumstances/ownership. The Council has previously set out that they continue to work collaboratively and this is on the basis of previous applications relating to both sites which have the same name with the ownership certificates signed. It was however explained at the Hearing that the appellant's granddaughter known as Annabelle Parker runs the nearby riding school which has caused a level of confusion regarding the relationship that exists between the two sites. On this basis, I have no substantial evidence to confirm that a relationship still exists with the riding school and thus the reference in the condition to occupation of the dwellinghouse being by a person associated with Daisy Nook and Oakhill Riding School is therefore now evidently inappropriate.

18. What is however clear is that equine husbandry and welfare is an on-going concern at what is now known as Taunton Brook Paddocks. The very special circumstances in terms of equine husbandry and welfare evidently still exist. The condition restricting the occupation of the dwellinghouse to be in conjunction with the provision of equine husbandry and welfare at the site therefore remains necessary to make the development acceptable in planning terms and reasonable given the site circumstances.

19. Rather than the condition being removed, I find it more appropriate to vary the condition limiting the occupation of the dwellinghouse to a person engaged for the purposes of animal husbandry in association with the stabling of horses as included in the original permission. This would address the evident inappropriateness of the condition in its current form whilst ensuring that the very special circumstances are maintained.

20. The appellant sets out that even if there had remained any link between the school and paddocks, the former already has on-site residential accommodation via an approval granted in April 2017. It is therefore claimed that there would be no need for any tie between the paddocks and the school as a worker's dwelling, as that accommodation is already provided. I have very limited detail in relation to this and it would not alter the way in which the previous outline consent was assessed and granted which must be considered.

21. The removal of the condition would allow for occupation of the residential unit by a person, or persons, not involved in the provision of equine husbandry and welfare at the site, without there being any very special circumstances. It would therefore be contrary to Policy JP-G9 of the PfE which explains that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. It would also be contrary to section 13 of the Framework relating to protecting Green Belt land. Whilst the appellant claims that the removal of the condition would not have any

impact on the five purposes the Green Belt serves given that the building is already in position and occupied, an independent dwelling not connected to a land use introduces built form/domestic use into open countryside, representing clear encroachment which is unacceptable other than when very special circumstances exist.

22. Bringing everything together, I conclude that whilst the condition restricting the occupation of the dwellinghouse to a person solely, or mainly working at the establishment known as Daisy Nook and Oakhill Riding School and to any resident dependants is no longer appropriate, I do find that the very special circumstances for which the dwelling was approved still exist, so as to ensure an acceptable development in the Green Belt. A condition restricting the occupation of the dwellinghouse to be in conjunction with the provision of equine husbandry and welfare at the site therefore remains necessary and reasonable. Consequently, I have varied the condition accordingly.

Other Matters

23. I have had due regard to the snapshot of a short paragraph taken from correspondence had with HMRC that the appellant provided at the Hearing. I recognise that the property may not be eligible for the DIY housebuilders scheme given the presence of the condition, but this would not alter my findings on the above main issue nor outcome of my decision. This would also be the same for other financial matters ie taxation, lending etc.

24. Reference has been made to other applications in the area, but I have very limited detail on these to be able to comment further. Each application is considered on its own merits and on a case-by-case basis. Political leaders have voiced their views on housing and the Green Belt, but development would still need to be in accordance with national and local planning policy.

25. Reference has been made to Planning Policy Statement 7 although it is no longer valid or applicable in planning decisions as it was revoked in 2012 with the introduction of the Framework. It therefore has no bearing on the appeal.

Conditions

26. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.

27. The Council has set out a list of planning conditions in the event I were to allow the appeal, and these were discussed at the Hearing as well as any others which may need to be imposed having regard to the original planning permission. Condition 1 and 2 previously imposed on outline permission 18/00593/OUT relate to the submission and approval of the reserved matters which has now been submitted and approved under reference 18/01134/REM. I have therefore attached a condition requiring accordance with such details for certainty. Condition 3 previously imposed relating to foul and surface water has been discharged and thus again I have imposed a condition requiring compliance for certainty. Condition 4 previously imposed relates to the removal of permitted development rights and I find it necessary to reimpose this condition to prevent inappropriate additions to the building and to preserve the openness of the Green Belt. Condition 5 previously imposed relates to the occupation of the dwellinghouse which has been varied as

set out to ensure an acceptable development in the Green Belt. Condition 6 previously imposed relates to the curtilage of the residential unit which has been reimposed for the avoidance of doubt. Condition 7 previously imposed relates to the approved plan and I find it necessary to reimpose this condition for the avoidance of doubt.

Conclusion

28. For the above reasons and having had regard to the development plan as a whole, the appeal is allowed subject to conditions.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in complete accordance with the approval of details granted under approval ref 18/01134/REM.

2) The development hereby approved shall be drained of surface water in accordance with the details granted under approval ref 18/00110/PLCOND.

3) Notwithstanding the provisions made by the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order with or without modification, express planning consent shall be required for any development to the dwellinghouse hereby approved which would otherwise be covered by provisions contained within Classes A, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 of that Order.

4) The occupation of the dwellinghouse shall be limited to a person engaged for the purposes of animal husbandry in association with the stabling of horses as included in the original permission.

5) The curtilage of the residential unit hereby approved is the land enclosed by the red line on the approved drawing ref. P721 08 rev. A.

6) The development hereby permitted shall be carried out in accordance with the approved plan, ref P721 08 rev. A received on 31.08.2018.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Mrs Ann Parker Appellant

FOR THE LOCAL PLANNING AUTHORITY:

James Appleton Planning Officer

Kristina Myers Case Officer

OTHERS

Observing on behalf of the Council

Lauren Jackson

Holly Conway

DOCUMENTS SUBMITTED AT THE HEARING

- Snapshot of paragraph taken from correspondence had with HMRC.
- Planning history timeline.