



Appeal Decisions

Site visit made on 15 September 2025

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal A Ref: APP/J3720/C/23/3328790

Appeal B Ref: APP/J3720/C/23/3328791

Stable Building/Accommodation at Parmar Manor, Stratford Road, Loxley, Warwickshire, CV35 9JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Harshad Parmar (Appeal A) and Mrs P Parmar (Appeal B) against an enforcement notice issued by Stratford-on-Avon District Council.
- The notice was issued on 27 July 2023.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the former stable building to residential use and the associated operational development, comprised of the insertion of new windows and doors.
- The requirements of the notice are to:
 - a) Cease the use of the building for residential purposes and thereafter only use the building for equestrian or agricultural purposes.
 - b) Remove all new UPVC windows and all new doors from the building.
- The period for compliance with the requirements is: 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, Appeal B on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decisions: The appeals are dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decisions.

Procedural Matters

1. Since the appeals were made, the Government published the revised National Planning Policy Framework (the Framework), which came into force on 12 December 2024. Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.
2. For the avoidance of doubt, both parties agree that the enforcement notice relates to part of the former stable building not the whole building. The parties agree that the correct plan referred to as Appendix C is the "stables floor plan" submitted to the Planning Inspectorate by the appellant via email dated 26 September 2023. The layout as indicated on this drawing reflects what I saw at my site visit.

Appeal A on ground (a)

Main Issues

3. The main issues are:

- i) whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, having regard to the needs of the business; and to the aims of national and local planning policy which seek to avoid isolated homes in the countryside.
- ii) The effect of the development on the character and appearance of the area.
- iii) Whether the development provides acceptable living conditions with regard to the provision of internal space.
- iv) The effect of the development on the living conditions of the occupiers with regard to noise and disturbance.

Reasons

Principle of Development

- 4. The appeal building is a former stable building located in the countryside within the Feldon Park Special Landscape Area (SLA), outside of the development boundary. It is accessed from a private drive and sits amongst a number of agricultural buildings and a dwelling. The character of the area is distinctly rural with open fields.
- 5. Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (the CS) seeks to help maintain the vitality of rural communities and a strong rural economy, providing for a wide range of activities and development in rural parts of the district. This policy includes forms of development and uses in the countryside that are considered acceptable in principle. Under AS.10 (i) these include a permanent dwelling for occupation by a person engaged in an agricultural operation or other form of use that can only reasonably be carried out in the countryside subject to a functional need being established. The aims of CS Policy AS.10 are compatible with paragraph 88 (b) of the Framework which sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 6. Paragraph (10) of the “Development Management Considerations” for CS Policy AS.10 requires sufficient evidence to demonstrate that there is an essential need for a person or persons to be present on the site at all times sufficient to justify the provision of residential accommodation. The future sustainability of the enterprise will be taken into consideration along with established functional and financial tests.
- 7. The agricultural holding extends to approximately 31 hectares (76.6 acres). The submitted Business Plan Proposal for Parmar Manor prepared by Symonds & Sampson dated July 2023 states that at the time of the report there were approximately 500 sheep, 100 goats and 80 chickens. The appellant submits that all stock was sold in June 2022. Whilst the appellant states that the only current agricultural activity is the keeping of chickens, at the time of my site visit I saw goats grazing in some of these fields and other fields had been planted with crops.
- 8. The business plan appears to be based on the appellant’s future intention to purchase and develop a breeding flock of approximately 150-200 ewes, purchase 100 goats, maintain 80 chickens and to grow Asian vegetables including coriander, fenugreek, saag and beans. I note the evidence relating to two memorandums of understanding regarding the Asian vegetables (Appendices D and E of the appellant’s statement). Albeit seasonal, the business plan calculates that 4.64

members of staff are required (Table A, paragraph 5.7 of the appellant's statement).

9. Section 6 of the business plan 'Financials' is blank or is marked 'TBC'. I understand that the appellant's additional evidence submitted with their final comments was returned by the Planning Inspectorate because it was submitted outside of the appeal set deadlines. Thus, notwithstanding the comments in relation to the future sustainability of the enterprise, there is a lack of evidence before me in the form of accounts, documentation regarding livestock movements, sales receipts, to support the current and/or future need of the business. Thus, there is insufficient evidence to demonstrate that there is an essential need for a person or persons to be present on the site at all times sufficient to justify the provision of residential accommodation with or without the imposition of an agricultural occupancy condition. These findings are similar to those of a previous Inspector in determining the functional need for an agricultural building at Parmar Manor in March 2023 (appeal ref: APP/J3720/C/22/3297269).
10. Moreover, I have considered the comments in relation to the appeal building being the first phase of a multi-phase operation to allow the running of a sustainable farm business, however, there is already a dwelling on the site and there is insufficient justification to warrant an additional unit of accommodation.
11. Consequently, having considered all matters raised, there is insufficient evidence to support the need for an agricultural worker to live permanently at the site. Accordingly, there is conflict with the objectives of CS Policies AS.10, CS1, CS.15 and CS.16 and Policy H1 of the Loxley Parish Neighbourhood Development Plan 2011-2031 (2020). It is also contrary to the aims of the Framework which seeks to avoid isolated homes in the countryside.

Character and appearance

12. The appeal site lies within the open countryside, within the SLA and within the Upper Avon character as identified by the Council's Development Requirements Supplementary Planning Document (2018) (Part B) (SPD).
13. The appeal building is a former stable of timber construction. The insertion of white UPVC windows and new doors whether or not required to facilitate the residential use, have changed the appearance of the building and have resulted in a domestication which has altered this rural location to a harmful degree. Moreover, the alterations to the building appear incongruous and introduce visual harm to the character of the SLA.
14. The appeal development is harmful to the character and appearance of the area. Thus, it is contrary to Policies CS.9, CS.12 and AS.10 of the CS which seek to ensure local distinctiveness and protect the high landscape quality of SLAs by resisting development that would have a harmful effect on their distinctive character and appearance.

Living conditions

15. CS Policy CS.9 states that proposals will ensure a good standard of space and amenity for occupiers. Moreover, the Government's Technical housing standards (THS) – nationally described space standard (2015) provides the requirements for minimum floor areas and room widths for bedrooms.

16. Notwithstanding the comments in relation to the property being used as a one-bedroom property by one occupant, the planning contravention notice completed by the appellant in July 2023 (Council's statement Appendix 11) indicates that the building is being occupied for residential purposes by three occupants. Moreover, I saw at my site visit that there was a double bed provided in the living room area and two double beds provided in the bedroom with a third mattress propped up against the wall. Thus, the evidence indicates that the building is being occupied by three or more occupants.
17. The agreed submitted floor plan of the appeal building shows a bedroom, living room, bathroom and kitchen and a total floor area of 51.76m². The sales particulars (Council's statement Appendix 9) show a floor area of approximately 36.7m². Thus, there exists discrepancies in the correct floor areas provided. Despite these discrepancies, whether or not the standards in the THS are met for a 1 or 2 person, I saw at my site visit that the bedroom and the sleeping area in the living room are unduly cramped and fail to provide adequate space that is suitable as a living environment for the rooms' occupants.
18. Notwithstanding the comments in relation to the condition of the building. Given the lack of cogent evidence to the contrary, despite the blockwork insulation, I saw at my site visit that the internal condition of the building was of a poor standard. Furthermore, having regard to its farmyard location and its proximity to other farm buildings and their associated activities including the future housing of livestock and storage in the remainder of the appeal building, I consider that the building fails to provide a good standard of accommodation for the occupants having regard to noise and disturbance. A condition restricting occupation of the building to agricultural workers only would not overcome the identified harm. Moreover, given the intervening distance, the location of Parmar Manor is not directly comparable with the appeal site which is in close proximity to farm activities.
19. Overall, the appeal development fails to provide acceptable living conditions for its occupants regarding the provision of internal space, condition, noise and disturbance. I therefore conclude that it conflicts with Policies CS.9 and AS.10 of the CS which seek to ensure a good standard of space and amenity for occupiers and that occupants of new and neighbouring buildings will be protected from unacceptable levels of noise.

Other Matters

20. The appellant has suggested the granting of a temporary permission (three years) to allow for the preparation and submission of a planning application to secure alternative facilities. Whilst a temporary permission would ensure its removal in the future, the identified harm would not be reduced because the appeal development is temporary rather than permanent. As such, a temporary consent would not mitigate the identified harm. Moreover, for a temporary permission to be granted there would still need to be a need for such accommodation. As indicated above, there is insufficient evidence to support the need for an agricultural worker to live at the site.
21. I note the appellant's comments made in relation to dissatisfaction with the actions of the Council but this is not a matter that is determinative to the appeal. Matters of dissatisfaction with the Council's procedural policies should appropriately be made in the first instance through the authority's own complaints procedure.

Conclusion

22. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal A and Appeal B on ground (f)

23. The ground of appeal is that the steps required by the notice to be taken or the activities required by the notice to cease, exceed what is necessary to achieve its purpose. Section 173(4) (a) of the Act provides that the purpose of an enforcement notice can be to remedy the breach of planning control which has occurred by discontinuing any use of the land. Section 173 (5) (a) states that an enforcement notice may, for example, require the alteration or removal of any buildings or works. Having regard to its requirements, the purpose of the notice is to remedy the breach.
24. The appellants suggest that the required step b) in paragraph 5 of the notice is unacceptable and that if the residential use of the building is considered appropriate, the windows and doors should remain.
25. For the above reasons, I have found that the residential use of the building is not acceptable. Consequently, in order to remedy the breach, it is not excessive to require the removal of the new UPVC windows and new doors from the building. To require that does not, therefore, exceed what is necessary and the appeals on ground (f) must fail.

Appeal A and Appeal B on ground (g)

26. The ground of appeal is that the time given to comply with the requirements of the notice falls short of what should reasonably be allowed. In this respect, six months has been given. The appellants initially contended that a six month period is insufficient. However, I note they also state that the requirements of the notice can clearly be achieved in this timescale but the loss of the use of the appeal building without replacement accommodation would substantially affect the operation of the farming business.
27. I have considered whether planning permission should be granted either permanently or on a temporary basis (three years) under ground (a). Whilst I appreciate the appellant's desire to secure alternative accommodation, as indicated above, there is insufficient evidence before me to support the need for an agricultural worker to live permanently at the site and thus I am not satisfied that the loss of the appeal development would substantially affect the business operation.
28. From all I have seen and read I consider that a three year period would be excessively long having regard to the on-going harm caused by the appeal development. The appellants have not provided any information concerning the personal circumstances of the occupants, their housing needs, or the likely impact on them of the requirement to vacate. I can see no good reason why the required steps could not be comfortably accomplished within a 6 month period. This is proportionate and reasonable. The appeals on ground (g) fail accordingly.

Formal Decisions

Appeal A: APP/J3720/C/23/3328790

29. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/J3720/C/23/3328791

30. The appeal is dismissed, and the enforcement notice is upheld.

Elizabeth Jones

INSPECTOR