



Appeal Decision

Site visit made on 15 September 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/C3430/W/25/3369105

Ellesmead, Stable Lane, Calf Heath, Wolverhampton WV10 7DN

- 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 Mark Aske against the decision of South Staffordshire District Council.
 - The application Ref is 25/00216/COU.
 - The development is change of use from paddock to domestic curtilage land.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from paddock to domestic curtilage land at Ellesmead, Stable Lane, Calf Heath, Wolverhampton WV10 7DN in accordance with the terms of the application, Ref 25/00216/COU, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 100/1082/2025 & 100/1083/2025.

Preliminary Matters

2. The site is located within the buffer zone of the Cannock Chase Special Area of Conservation (SAC). Whilst not forming part of the Council's reason for refusal, as the competent authority I need to consider whether there would be adverse effects on the integrity of the habitats site in accordance with The Conservation of Habitats and Species Regulations 2017.
3. The development has already taken place and as such I have considered the appeal based on the information before me and what I saw on site.

Main Issue

4. The main issue relevant to this appeal is whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

5. The wider site comprises the principal dwelling, Ellesmead, together with a pool building, a stable block, and an additional outbuilding. A separate appeal is currently under consideration in relation to the pool building. Based on the evidence before me, it is not disputed that the stable block constitutes a lawful structure. However, the centrally located outbuilding appears to be the subject of a separate planning application, which falls outside the scope of this appeal.

6. Based on the submitted evidence the established residential curtilage of Ellesmead includes the main dwelling, driveway, pool house, and the garden area situated between these elements. The extended residential curtilage extends to incorporate land beyond the pool building, up to and including the stable block. However, the extension would not encompass the full width of the wider landholding. Ellesmead occupies a substantial plot, the majority of which would remain in agricultural use. The wider site is characterised by closely mown grassland and features a large pond to the rear. The surrounding area is similarly developed, with properties set within generous plots defined by hedgerows, contributing to the area's semi-rural character.
7. Policy GB1 of the Core Strategy Development Plan Document (CS), adopted 2012, permits changes of use within the Green Belt where the proposed works or use would have no material effect on its openness or the fulfilment of its purposes. Paragraph 154h) of the Framework allows other forms of development, including material changes in the use of land, provided they preserve openness and do not conflict with the purposes of including land within the Green Belt. I consider the test imposed by Policy GB1, requiring no material effect on openness and the fulfilment of its purposes, differs notably to the Framework which requires preservation of openness and compatibility with Green Belt purposes. Given the age of the CS and its inconsistency with the Framework, which was published in 2024, greater weight is afforded to the Framework, which takes precedence in this instance.
8. The development results in a material change of use of land. Whilst other development has already taken place on the appeal site, this is a matter to be addressed between the parties outside of this appeal.
9. If the appeal is allowed, the extended garden area would benefit from the dwelling's permitted development (PD) rights. The Framework states that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. Furthermore, the Planning Practice Guidance advises that the blanket removal of freedoms to carry out small scale domestic alterations are unlikely to meet the tests of reasonableness and necessity.
10. The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) (the Order) does not exclude land within the Green Belt from benefiting from PD rights. Accordingly, development permitted under the Order is not inherently in conflict with the objectives of maintaining openness or preventing urban sprawl. The location of a site within the Green Belt does not, in itself, justify the removal of PD rights without clear justification. Although the proposal would increase the area available for PD, the scale of such development remains constrained by the parameters of the Order. Moreover, the appeal site is well screened from public vantage points, and any resulting development or domestic paraphernalia would have a localised and limited visual impact. While some degree of impact on openness may occur, the site's context and the modest scale of potential PD works would, in this case, preserve the openness of the Green Belt. The limited scope for additional structures and domestic features would ensure that the semi-rural character of the site is not significantly altered.
11. The appeal site is modest in size, and the majority of the wider landholding would remain in agricultural use. This containment would restrict domestic encroachment

to a defined area closely associated with the existing dwelling. The boundary treatment around the wider site would remain mostly unchanged, thereby limiting the extent to which the change of use would be perceptible. The modest size of the garden extension, its proximity to the dwelling, and the absence of wider physical alterations would assist in safeguarding the countryside from encroachment, even accounting for the potential introduction of domestic paraphernalia and other PD. As such, the development does not conflict with purpose c) of paragraph 143 of the Framework. It is also agreed between the parties that the development does not conflict with any of the other purposes of including land within the Green Belt and based on the evidence before me I find to reason to come to a different conclusion.

12. The Council has referred to a previous appeal decision at Round Hill Farm, where a proposal for the change of use from agricultural land to garden land was dismissed. However, based on the limited information available, that case appears to have involved a significantly larger parcel of land. In contrast, the current appeal relates to a smaller, more contained site. The impact of development on Green Belt openness is inherently site-specific, and the refusal of similar proposals elsewhere does not, in itself, justify refusal in this case. The referenced site is located at a considerable distance from the appeal site and based on the evidence before me, exhibits materially different characteristics, which have informed my differing conclusion.
13. Therefore, for the reasons given above, the material change in use of the land preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Consequently, the development complies with paragraph 154h) of the Framework and does not constitute inappropriate development in the Green Belt. For similar reasons the development generally accords with Policy GB1 of the CS insofar as it states development acceptable within the terms of national planning policy set out in the Framework will normally be permitted including changes of use of land.

Other Matters

14. The appeal site is within the 8 Kilometre buffer zone of the Cannock Chase Special Area of Conservation (SAC), a European site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken.
15. The qualifying reasons of the SAC and its primary reasons for selection as an SAC are its European dry heaths and North Atlantic wet heaths with cross-leaved heath. The conservation objectives of the SAC include ensuring that the integrity of the site is maintained or restored as appropriate, including its structure and function, supporting processes on which the qualifying natural habitats rely.
16. Given the separation distance between the appeal site and the SAC, the development does not result in the direct loss of any habitats associated with the

SAC. Taking into consideration the nature, scale and location of the development and nature of the receiving environment, I consider there to be no evident pathway that would result in the scheme having a likely significant effect on any qualifying features of the SAC, whether alone or in combination with other developments.

17. Therefore, the scheme does not undermine the conservation objectives of the identified habitats site, and an appropriate assessment is not required. Consequently, the development accords with the policies in the Framework that seek to protect areas of particular importance relating to habitats sites.
18. The appeal site is identified as being within a Red Zone for Great Crested Newts (GCN). However, the Staffordshire District Licensing Officer (Great Crested Newts) identified that if the development were to go ahead it would be unlikely to have an impact on GCNs or their habitats. Based on the information before me and as the development seeks permission for a change of use of the land, I find no reason to conclude otherwise.
19. The Council has indicated that the nearest dwelling is approximately 23 metres from the pool building, and based on the evidence available, I find no reason to dispute this. Given the separation distance and the modest scale of the potential PD, it would not result in a structure that would appear unduly overbearing to neighbouring occupiers. Furthermore, due to its potential height and siting, development would not lead to a significant loss of privacy. Considering the residential nature of the use and the site's location within a residential setting, any noise generated would be unlikely to have a significantly adverse impact on the living conditions of nearby residents.

Conditions

20. As the development has already taken place, the statutory commencement conditions is unnecessary. However, it is necessary in the interests of certainty that the development is carried out in accordance with the permitted plans.

Conclusion

21. The development is generally in accordance with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR