



Appeal Decision

Site visit made on 19 January 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCI FCMgr**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/R1845/C/24/3342673

Land at the Oak Meadow Farm, Honeybrook Lane, Kidderminster DY11 5QS¹

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
- The appeal is made by Mr Ian Robinson against an enforcement notice issued by Wyre Forst District Council.
- The enforcement notice was issued on 13 March 2024.
- The breach of planning control as alleged is the development amounting to the erection of a new dwelling house in the position shown hatched blue on the plan and the creation of a new access to serve the said unauthorised dwelling house.
- The requirements of the enforcement notice are to: (1) Demolish the building being erected as a dwelling house and remove all materials arising from the demolition. (2) Permanently remove all building materials, equipment, plant, machinery, containers and welfare facilities that have been brought onto the Land to carry out the erection of the said dwelling house. (3) Permanently close the access that has been created to serve the unauthorised dwelling house, plant a double staggered row of mixed native hedging feathers along the entirety of the newly formed opening (approximately 1.2 metres in height at planting time) during the bare root planting season (November to March) along the boundary line. The new hedge shall contain a mix comprising 35 % Hawthorn, 25% Blackthorn, 25% Hazel and 10% Field Maple and 5% Holly planted at 50cm spacings and 50 cm between rows and shall be suitably guarded to protect against animal damage. (4) Any plants planted pursuant to requirement 3 above which are dead, diseased or dying within the first 5 years shall be replaced with plants of the same species and size during the first available planting season thereafter.
- The period for compliance with the requirements is as follows: requirement 1 and 2 is 2 months and requirement 3 above is 12 months and requirement 4 above is as and when required during the replacement period referred to.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (a) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Ground (c)

1. Building work have been carried out but the work seems to have stopped at damp proof course. The appellant does not challenge the notice on the basis that it incorrectly alleges the erection of a new dwellinghouse. Essentially, the argument is a simple one, namely, the alleged development is pursuant to an extant planning permission, which was granted on appeal for the conversion of former stable building to new dwelling and the creation of new vehicular access and closure of existing vehicular access (to pedestrian access only) on 12 November 2021 (“the 2021 Permission”)². To demonstrate that case, the onus is on the appellant. The nub of the Council’s argument is that the scheme approved in the 2021 Permission is no longer possible to implement, because the original building has been demolished, including most foundations, and what is now being constructed is a new dwelling, not a conversion.

¹ Taken from the appeal form.

² Council ref 20/0405/FUL and appeal ref APP/R1845/W/20/3263496.

2. I have reviewed all the evidence presented on this ground of appeal and favour the Council's arguments: here is why. The previous Inspector found that the former stable to be permanent and of a size capable of conversion to a residential dwelling albeit in a dilapidated condition. Nonetheless, the structure was broadly sound, and the conversion did not require significant building works or a complete reconstruction. That assessment appears consistent with details submitted with the application including technical reports. The latter appear to support the contention that the 2021 Permission approved building work comprised in the adaptation and alteration of the previous stable. In contrast, at some point in 2024, the pre-existing stable had been demolished. The quantum of evidence presented clearly shows, as verified at my site visit, new foundations and floors have been constructed, and new block and brick work built to damp proof course level.
3. Plausibly, during the physical conversion of the pre-existing stable and implementation of the permission, part or parts of the structure collapsed due to structural failure. Arguably, such circumstances may have supported the claim that elements of the former stable required demolishing in the interest of safety. However, the reality is that the former stable has been totally demolished and the original structure is no longer physically present. Although the materials used in its original construction have been saved, it is far-fetched to describe the works as "conversion". When the description of development and conditions imposed on the 2021 Permission are considered in context, a reasonable reading of the document clearly indicates that demolition and rebuilding does not fall within the scope of the scheme approved. For these reasons, the facts and circumstances in this case are distinguishable from case law cited by the agent³.
4. As a matter of fact and degree, and in my planning judgment, contrary to the appellant's arguments, the building operations involved in the erection of a new dwellinghouse constitute development for which express planning permission is required, and it has not been obtained. Ground (c) must fail.

Ground (a)

5. The terms of the deemed application are directly derived from the allegation and planning permission is sought for the erection of a new dwellinghouse and the creation of a new access. The site is located within the Green Belt and forms a triangular-shaped parcel and lies to the north of Honeybrook Lane.
6. Relevant local and national planning policy in force at the time of my decision must be considered. The National Planning Policy Framework (NPPF) was revised in 2024 and again in 2025, and the appeal parties were given an opportunity to comment on the revised policy. Local planning policies referred to in the reasons for issuing the notice are found in the Wyre Forest District Council Local Plan 2016-2036 (LP). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them according to their degree of consistency with the latter. Having considered the LP policies relevant to the determination of this appeal, I am content that they are broadly consistent with the NPPF.
7. The main issues are as follows: 1) whether the development constitutes inappropriate development, 2) the effect on openness and purposes, 3) effect on landscape character, and 4) if the development constitutes inappropriate development, whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

³ *R v Leominster DC Ex p. Antique Country Buildings Ltd* [1988] JPL 554 Where a listed building has been demolished it can be required to be rebuilt if there is at least some remaining material to be reused. There is no suggestion the former stable is a listed building.

Inappropriateness

8. There is broad agreement between the appeal parties that the development does not fall within the exception categories set out in NPPF154 sub-section a) to h). I have no reason to take a different approach given the nature of the development. However, I will address the implications of grey belt policy, which includes previously developed land (PDL) and/or any other land that does not, in either case, strongly contribute to criterion (a), (b), or (d), which are found in NPPF143 and make up purposes of designating land in the Green Belt.
9. Although the site may have been used for the keeping of horses given the existence of the former stable building, the Council's stance is that the land upon which the dwelling in its complete form would be built is not PDL. However, the definition of a grey belt site is not limited to PDL: it includes any other land (see above). Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. I have no reason to disagree with the appeal parties that, given the location of the site, it passes the grey belt gateway.
10. NPPF155 explains that the development of homes which, incidentally, includes a single dwelling in the Green Belt should also not be regarded as inappropriate provided the criteria set out in sub-paragraph a) to d) are satisfied. Arguably, a new dwelling in this edge of settlement location does not safeguard the countryside from encroachment but there would be no additional harm when compared to the scheme permitted by the 2021 Permission. In my planning judgement, the development does not conflict with the purposes of designating land in the Green Belt because a single dwelling does not result in unrestricted sprawl of the large built-up area, result in the merging of neighbouring towns into one another, and purpose (d) and (e) do not apply. It seems to me that the development utilises grey belt land and, in this location and setting, it is unlikely to fundamentally undermine the purposes, taken together, of the remaining Green Belt across the LP area nor would it compromise the designated area's ability from serving all five purposes in a meaningful way.
11. The Council rely upon NPPF155 sub-paragraph (b) and argue there is no demonstrable need for the new dwelling, because it has a healthy housing land supply of 9.3 years. Be that as it may, the appellant argues the dwelling is a self-build project and there is nothing before me that casts any doubt that they, or the development, do not meet the relevant test⁴. The argument is that there is no demonstrable unmet need in terms of custom and self-build plots. It says there is a surplus of 17 spaces compared to the number of people on the register, which seems to be hovering around 30. The appellant's evidence includes details of the register, and it suggests 47 planning permissions have been granted to meet the duty.
12. I have reviewed all the submissions, and I find that the evidence presented does not sufficiently show permissions already granted are specifically restricted to self and custom-build plots, let alone serviced plots. Relying upon sites that are not specifically restricted for self-build or custom build housing is a risky strategy, because there is no guarantee such developments are not intended for open market housing. The Council has not provided firm information to contradict the appellant's clear claim that the absence of specific and restricted planning permissions for self-build or custom housing undermines the claim that there is no demonstrable unmet need.

⁴ For an explanation as to those tests, see the Planning Practice Guidance on self-build and custom housebuilding.

13. Furthermore, the available evidence appears to indicate the number of people on the self-build or custom housing register is on an upward trajectory despite the grant of planning permissions. The evidence presented supports the proposition that there is a local issue with the supply of these plots, yet the need or demand grows at pace. Contrary to the Council's arguments, I find that NPPF155 sub-paragraph b) is met.
14. I too agree the site is a sustainable location being immediately adjacent to the built-up area of Kidderminster and within walking distance of existing facilities. Moreover, given the limited scale of development, the scheme meets with NPPF115 and 116. NPPF155 sub (d) is irrelevant.
15. For all the above reasons, the development does not constitute inappropriate development in the Green Belt, because it meets with NPPF155, and accords with LP policy DM.22, SP.2 and SP.11. There is no need for me to consider effect on openness⁵.

Landscape character

16. The Council's fourth reason for refusal refers to the loss of the hedgerow and trees to provide the new access and driveway. Removal of landscape features are likely to have some visual impact by opening the site to views, but the effect would be localised given the scale of development proposed. In addition, the access would be completed in accordance with the approved scheme details, which, alongside an Arboricultural Impact Assessment, was considered acceptable during the determination of the 2021 Permission.
17. In its complete form, the built form of the new dwelling would be of similar scale, size and shape to the previous stable building and there would be no additional harm. Subject to the imposition of suitably worded conditions, I am satisfied that the development, in its complete form, would not have a materially harmful effect on landscape character, wildlife or ecology. Therefore, the development accords with LP policies SP22, SP.28 and SP.23.

Other matters

18. The appellant advances other considerations that weigh in favour for example the removal of the former stable building due to its collapse, but I attach limited weight to this line of argument. In addition, there are limited economic and social benefits arising from the scheme. I have considered objections raised by the Parish Council and note concerns about the site's previous history, but a pragmatic outcome is to consider if the development can be made acceptable via the imposition of conditions. Concerns about the effect on highway safety are unfounded and, in any event, the Council has not advanced an argument on the that basis.

Conditions

19. I am grateful for the list of suggested conditions some of which require details to be submitted to, and approved in writing by, the local planning authority. I am also mindful of the conditions imposed by the 2021 Inspector. A pragmatic outcome requires consideration of whether suitably worded conditions can be imposed in such circumstances where the development is part-retrospective-part-prospective. If it cannot, planning permission would have to be refused.
20. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the

⁵ Applied: *Mole Valley DC v Secretary of State* [2025] EWHC 2127 (Admin) and *R (Lee Valley Regional Park Authority) v Epping Forest DC* [2016] EWCA Civ 404.

commencement regardless of the importance of those details. In this case the dwelling is yet to be constructed let alone substantially complete or occupied, and conditions could be imposed requiring specified details. Nonetheless, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated.

21. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale.
22. The appellant considers some of the conditions need not be pre-commencement, but development has already started. I agree with the Council that drawings submitted with the current and previous appeal can form part of a condition as can general tree protection measures explained in the reports, and access work could be required before occupation. In my assessment, as development has already commenced, details of mitigation are required within a set timeframe, which will provide certainty because the latter will include an implementation timetable. It is reasonable to require the following details as part of the scheme:
 - (1) specification of external elevation building materials including hard surfaced areas and boundary treatments
 - (2) water efficiency
 - (3) details for drainage and disposal of foul and surface water
 - (4) energy from renewable or low carbon sources
 - (5) external lighting
 - (6) ecology mitigation scheme, and
 - (7) landscaping scheme and tree protection measures.
23. It is also reasonable to impose a landscape retention condition should any tree or plant forming part of the approved landscaping scheme die within 5 years of being planted a replacement tree or plant shall be planted to take its place. Given the enforcement difficulties and the location of the site and the compact design and size of the dwelling, I too consider a condition removing permitted development rights relevant to extensions and alterations or outbuilding is justified, but not for minor alterations and means of enclosure.
24. I consider that the proposed conditions meet the six tests and will be imposed with an appropriate sanction if there is a failure. Conditions can be imposed to make the development acceptable in planning terms at less disruption and is a proportionate outcome. Contrary to the Council's arguments, in my judgement, planning permission can be granted for the development.

Overall conclusions

25. On ground (a), I have found that the development, in its complete form, does not constitute inappropriate development in the Green Belt having regard to the NPPF, and, on balance, any harm arising from the creation of the access to serve the dwelling on the character of the landscape does not warrant dismissal on this ground alone, especially taking into account the previous Inspector's findings. The grant of planning permission secures accommodation for the appellant and is a proportionate response to the planning conundrum in this specific case and the imposition of conditions, which will include strict timings, do not unduly interfere with property rights. Accordingly, the development complies with the LP, as a whole, and the NPPF and PPG.
26. For all the above reasons, and having regard to all other matters raised, I conclude that ground (c) fails, but the appeal should succeed on ground (a) and planning permission is granted subject to conditions.

Formal decision

27. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the Act, for the development already carried out, namely, erection of a new dwellinghouse and the creation of a new access, subject to the following conditions:

- 1) The new dwellinghouse and a new access and associated development shall be demolished and removed from the land in entirety, and all materials resulting from the removal or demolition shall be removed within 12 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) within 3 months of the date of this decision, the following details and specifications, which are hereinafter called "the Scheme", shall have been submitted for the written approval of the local planning authority and the Scheme shall include a timetable for its implementation:
 - a) details of the materials to be used on the outer elevations of the dwelling hereby approved and details of any boundary treatments and hard surfaced areas including the material to be used in their construction
 - b) details as to how the dwelling hereby approved shall be designed and constructed to achieve a water efficiency standard of 110 litres per person per day.
 - c) details for drainage and disposal of foul and surface water
 - d) details of how the development will incorporate energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements
 - e) details of external lighting and specification
 - f) details of ecological mitigation and enhancement, consistent with that set out in the Preliminary Ecological Appraisal by Naturally Wild
 - g) existing tree location and proposed hard and soft landscaping including plant and tree specification, location and quantity, including a landscaping implementation scheme and timetable
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the Scheme or any element of the Scheme or fail to give a decision within

the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved Scheme specified in this condition, that Scheme, in its entirety, shall thereafter be maintained and retained unless otherwise agreed with the local planning authority.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200A, 200, 201, 210, 211, 212 and 213.
- 3) Any trees, hedges 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. No new tree or hedgerow planted in accordance with the Scheme above (landscaping condition) shall be pruned or cut in any manner within 5 years from the date of the occupation of the final dwelling to be occupied, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, (or any order amending, revoking and/or re-enacting that order, with or without modification), no enlargement, improvement or other alteration of the dwellinghouse hereby approved or any development falling within article 3 schedule 2 part 1 Classes A, B, C, D, and E, shall be carried out whatsoever without prior written approval.

A U Ghafoor

INSPECTOR