



Appeal Decision

Site visit made on 7 January 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/C3430/W/25/3370364

The Bell Inn, Watling Street, Stretton, Staffordshire ST19 9LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Esa Khalid against the decision of South Staffordshire Council.
 - The application Ref 24/01082/FUL was approved on 17 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is change of use of part of the pub car park to online car sales (11 parking bays) with new boundary treatments and landscaping. Placement of refreshment booth. (Part retrospective).
 - The conditions in dispute are Nos 1 and 5 which state that:
 1. Within six months of the decision date, the gates and fencing along the front boundary shall be removed and replaced with post and rail fencing as detailed on plan 01 1220. The approved boundary treatment shall be retained as such for the lifetime of the development
 5. The refreshment booth shall only open during the operating hours of the public house and between 8am to 8pm daily.
 - The reasons given for the conditions are:
 1. To preserve the openness of the Green Belt and rural character of the area in accordance with policies GB1 and EQ4 of the Core Strategy.
 5. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy. To ensure the provision and retention of the public house in accordance with Policy EV9 of the Core Strategy.
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Decision

1. The appeal is dismissed insofar as it relates to condition 1.
2. The appeal is allowed insofar as it relates to condition 5 and planning permission Ref 24/01082/FUL for change of use of part of the pub car park to online car sales (11 parking bays) with new boundary treatments and landscaping. Placement of refreshment booth (Part retrospective) at The Bell Inn, Watling Street, Stretton, Staffordshire ST19 9LN on 17 March 2025 by South Staffordshire District Council, is varied, by deleting condition No 5 and substituting it for the following condition:
 - 5) The refreshment booth shall only be open for customers between the following hours:
11:00 – 01:00 Mondays – Fridays
08:30 – 01:00 Saturdays – Sundays

Procedural Matters

3. The variation sought for condition 5 was unclear from the appellants original submissions. The appellant was asked to clarify, in writing, the hours of opening being sought for the refreshment booth. The appellant confirmed that they are seeking the same hours of opening as the public house, cited on the submitted

Premises Licence No. PA1324 and which are: 11:00 – 01:00 Mondays – Fridays and 08:30 – 01:00 Saturdays – Sundays.

4. Although this appeal is allowed in relation to condition 5, the effect of the decision is to be more restrictive of the permission than the conditions originally imposed by the Council.

Background and Main Issues

5. The appeal site comprises a public house, a car park and a refreshment booth. Planning permission was granted, subject to conditions for the change of use of the car park to online car sales, new boundary treatments and the placement of a refreshment booth.
6. The public house is not currently open to the public although the appellant says that they intend to bring it back into use. There is nothing before me to suggest that there is any planning reason which would prevent it from re-opening to the public at any time.

Condition 1

7. There is currently a 2.1 metre high metal fence and gates at the front boundary of the car park area of the site. These were erected without planning permission, prior to the submission of this planning application. Condition 1 of the planning permission requires the replacement of the existing fence and gates within six months of the planning application decision date with 1.8 metre high post and rail fencing with gates.
8. The appellant seeks either the removal of condition 1, allowing the existing gates and fencing to be retained, or for the fencing to be replaced when the public house re-opens to the public.

Condition 5

9. Condition 5 states that the refreshment booth shall only open during the operating hours of the public house and between 8am to 8pm daily. There is no definition, in condition 5, or any other condition attached to the permission, of the operating hours of the public house. The appellant has provided the Premises Licence for the public house which states the opening hours to be 11:00 – 01:00 Mondays – Fridays and 08:30– 01:00 Saturdays – Sundays.
10. Conditions must be construed objectively; not by what the parties may or may not have intended at the time, but what a reasonable reader construing the condition in the context of the permission as a whole would understand.
11. In the absence of any other definition of the public house operating hours, and on a reasonable reading of condition 5, I have interpreted it as to effectively allow the refreshment booth to open between 08:00 – 01:00 Mondays to Sundays.

Main issues

12. Having regard to the above, the main issues for condition 1 are:
 - whether the condition is reasonable or necessary in respect of the effect of the fence and gates on the openness and purposes of the Green Belt;

- whether the condition is reasonable or necessary in the interests of the character and appearance of the area; and,
- whether any harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify removing or varying the condition.

13. Having regard to the above, the main issues for condition 5 are:

- the effect that varying the opening hours of the refreshment booth would have on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and,
- whether the condition is reasonable or necessary in the interests of retaining the public house, with particular regard to the requirements of the development plan.

Reasons

Condition 1

Openness

14. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) defines the essential characteristics of Green Belts, which includes their openness. The reason given condition 1 is to preserve the openness of the Green Belt and the rural character of the area.
15. Development in the Green Belt is inappropriate unless one of the exceptions listed in the Framework applies. The term 'building' refers to any structure or erection, and it therefore includes fences. They are not in the list of exclusions in the Framework, and the proposal is not an extension or alteration of a building. Therefore, when judged against the wording of national policy the fence is inappropriate development in the Green Belt. Policy GB1 of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (the CS) does not deal with fences in the Green Belt any differently and refers to the provisions of national planning policy.
16. I have not been provided with any evidence that the fencing and gates are not inappropriate development. I have therefore proceeded to determine this appeal on the basis that it is inappropriate development in the terms of the Framework. As set out at paragraph 153 of the Framework, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
17. The fencing and gates currently on site are of a rigid metal construction and of a height greater than most other boundary treatments in the vicinity of the site. Although the fencing and gates have a mesh appearance, the additional artificial ivy gives it a more solid appearance. As such, they have a spatial effect on the openness of the Green Belt. They can be seen within the immediate surroundings and so has also have a visual effect on openness.
18. The approved replacement fence and gates would have a lower overall height with slim profile posts and rails set with generous gaps between them. As such, they

would have less impact on the openness of the Green Belt both visually and spatially.

19. The existing fence and gates at the site have affected the openness of the Green Belt, albeit to a limited degree. Nevertheless, according to the Framework, inappropriate development is harmful by definition. I therefore find that condition 1 is reasonable and necessary in the interests of the openness of the Green Belt and in accordance with the provisions of the Framework and CS Policy GB1.

Character and appearance

20. Apart from the public house, there is a small amount of built development close to the appeal site, including residential properties and a petrol filling station. Notwithstanding this, the character and appearance of the area is essentially rural.
21. There are a range of boundary treatments along Watling Street in the vicinity of the appeal site, including traditional brick-built walls and metal post-and-rail fencing of varying heights. I consider these to be characteristic of, and compatible with, the rural character and appearance of the area. The residential property immediately to the east of the appeal site is enclosed by tall wooden fencing which, although more contemporary in form, does not appear incongruous within this rural context.
22. By contrast, the tall metal fencing and gates at the appeal site have a stark and industrial appearance. Their height and utilitarian materials make them visually prominent in the street scene, resulting in a harsh and engineered form of enclosure that is at odds with the prevailing rural character.
23. The appellant suggests that the height of the existing fence and gates could be reduced. However, no plans have been submitted to show this. Nevertheless, this would not, in my judgement, overcome the harm resulting from their industrial appearance.
24. Consequently, I find that the existing fencing and gates cause harm to the character and appearance of the area. This conflicts with CS policy EQ4 which seeks to maintain, and where possible, enhance the intrinsic rural character and local distinctiveness of the landscape. As such, I find that condition 1, is reasonable and necessary in the interests of the character and appearance of the area.

Other Considerations

25. It is stated that the fence and gates were erected for security purposes, following the site being occupied by travelling gypsies. It is also suggested that in 2025 countryside crime rates increased. However, there is little before me to demonstrate that the proposed replacement would not provide an adequate barrier. I therefore give this consideration limited weight.
26. The appellant has also requested consideration be given to amending condition 1 to require the fencing to be replaced when the public house re-opens to the public. However, no timeframe has been given for this. Therefore, a condition worded in this way would not be sufficiently precise and so it would not meet the tests set out in the Framework.

Green Belt Balance

27. The existing fencing and gates harm the openness of the Green Belt. Although only to a limited degree, the Framework requires me to attach substantial weight in this regard. Furthermore, the fencing and gates are harmful to the character and appearance of the area, which attracts significant weight against the proposal to retain them.
28. The other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the removal or variation of condition 1, as proposed, do not exist.

Condition 5

Living conditions

29. As stated above, I construe the wording of condition 5 as to allow the refreshment booth to be open for longer than the public house opening hours as stated on the Premises Licence.
30. I have had regard to the comments from neighbouring occupiers received in response to this appeal and although I appreciate that the public house is not currently open to the public, there is nothing before me to suggest there is any planning reason that it could not reopen again at any time. The opening hours proposed by the appellant would have the effect of reducing the hours that the refreshment booth could be open for, from those originally permitted by the Council. Consequently, this would reduce the hours where there would be the potential to generate noise and disturbance to the detriment of neighbouring occupiers.
31. I therefore do not find that the proposal to amend the opening hours of the refreshment booth would have an adverse impact on the living conditions of neighbouring occupiers. As such the proposal would not conflict with CS Policy EQ9 which seeks, amongst other things, to protect residential amenity from harmful noise and disturbance.

Retaining the public house

32. The Council raises concerns that the proposed amendment to the opening hours of the refreshment booth would allow it to operate as a separate planning unit, rather than remaining ancillary to the public house.
33. Condition 5, as originally worded does not precisely restrict the refreshment booth to be ancillary to the public house. The Council may have intended this; however, I do not consider that a reasonable reader would construe condition 5 to mean that. I have also considered the permission as a whole, including the description of development, and the other conditions attached to the permission. Again, I do not find that a reasonable reader would construe that the permission, when read as a whole, restricts the refreshment booth to be used only as ancillary to the public house.
34. LP Policy EV9 seeks to protect essential community facilities, including public houses. However, the proposal before me now does not propose the conversion or redevelopment of the public house. Furthermore, it is unclear how, from the evidence submitted, if the refreshment booth was to operate separately to the

public house, it would result in the loss of the public house and therefore create a conflict with Policy EV9.

35. Accordingly, I do not find condition 5, as originally worded, is reasonable or necessary in the interests of retaining the public house. As such, the proposal to amend the opening hours of the refreshment booth would not conflict with CS Policy EV9.

Other Matters

36. Concerns are raised that varying condition 5 could lead to an uncontrolled late-night takeaway function at the appeal site. The Council states this could result in noise and disturbance to neighbouring occupiers and highway safety issues. I note that there is nothing in the permission defining whether items purchased at the refreshment booth are for consumption on or off the premises. Furthermore, it is not clear from the Council's submissions how varying condition 5, as proposed, would directly result in the alleged harms.
37. In any event, an increase or change in activity on the site, as described by the Council, may amount to a material change of use for which separate planning permission may be required. However, that is not the proposal before me now and as such, this consideration does not alter my overall conclusions.

Conclusion

38. For the reasons given above, I find that condition 1 is reasonable and necessary in the interests of the openness of the Green Belt and the character and appearance of the area. The appeal is therefore dismissed insofar as it relates to condition 1.
39. For the reasons given above, I find that the proposal to vary the opening hours of the refreshment booth would not harm the living conditions of neighbouring occupiers. I have also found that condition 5, as originally worded is not reasonable or necessary in the interests of retaining the public house. The appeal is therefore allowed insofar as it relates to condition 5, subject to the imposition of a more clearly worded condition restricting the hours of operation of the refreshment booth.

A O'Neill

INSPECTOR