



Appeal Decisions

Site visit made on 7 April 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th May 2026

Appeal Refs. APP/E3715/C/24/3348732 (Appeal A) & APP/E3715/C/24/3348733 (Appeal B) Land at The Chalet, Hinckley Road, Wolvey, Hinckley LE10 3HQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeals are made by Mr John Roger Mac (Appeal A) and Mrs Heather Linda Mac (Appeal B) against an enforcement notice issued by Rugby Borough Council.
 - The enforcement notice, numbered R23/0415, was issued on 12 June 2024.
 - The breach of planning control as alleged in the notice is: *"Without planning permission the alteration and enlargement to an existing structure shown by blue edging on the attached plan"*.
 - The requirements of the notice are:
 - "(i) Demolish the unauthorised alterations and enlargements to the structure exceeding those approved under planning permission R20/0997*
 - (ii) Remove all materials from the site arising from the demolition"*.
 - The period for compliance with those requirements is 28 days.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended, and by virtue of section 177(5), the appellant is deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting the breach of planning control. Appeal B is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decisions on Appeals A and B

1. It is directed that the enforcement notice is varied by the deletion of the text **"Twenty eight days"** in the last sentence of section 5 relating to the time for compliance, replacing it with the text **"6 months"**. Subject to the variation, the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Matters of clarification and background

2. Notwithstanding the introduction to the Council's statement, the enforcement notice numbered 2024/01 and dated 29 May 2024 was in fact superseded by one numbered R23/0415 and dated 12 June 2024, as stated on the appeal form. As confirmed with the parties at my site visit, the time for compliance set out on the former notice was clearly defective.
3. As noted in the second paragraph of the reasons for issuing the subject notice, the Council granted planning permission (ref. R20/0997) in April 2021 for the erection of stables and associated store building, together with the change of use of land from residential to pasture/paddock. This followed the refusal in September 2019 of a planning application (ref. R19/1148) for the construction of new stables and stores. A subsequent appeal against that decision was dismissed in August 2020

(ref. APP/E3715/W/20/3249732). The Council indicates that a structure was erected soon after the grant of planning permission and resembled the details approved under ref. R20/0997. However, towards the end of 2023, it became apparent to the Council that the building was no longer being built in accordance with the approved plans; it had evidently been altered and enlarged. In February 2024, the Council refused a planning application (ref. R24/0011), made retrospectively, in effect for the development as now built on the site (including the wash down and cart storage area) and the subject of the enforcement notice.

4. It was agreed by the parties at the site visit that the plans submitted with application ref. R24/0011 broadly accord with what has been built on site. It was however noted that an additional window has been inserted in the south-east elevation and that 2 additional areas of brickwork are evident where tanalised timber boarding is shown on the plans. It was also accepted that the greenhouse that was required to be removed, pursuant to a planning condition on ref. R20/0997, prior to the commencement of development, was still on the site.

The appeal on ground (a) and the deemed planning application - Appeal A

Main issues

5. The decision whether or not to grant planning permission for the alteration and enlargement to the existing structure raises the following main issues:
 - Whether the development amounts to inappropriate development in the Green Belt, having regard to any relevant development plan policies, the National Planning Policy Framework (the Framework) and the effect on the openness of the Green Belt;
 - The effect of the development upon the character of the area; and
 - If the development does amount to inappropriate development in the Green Belt, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site falls within a countryside location designated as Green Belt. Policy GP2 of the Rugby Borough Council Local Plan 2011 – 2031 (LP), adopted in June 2019, states, with regard to the Green Belt, that new development will be resisted; only where national policy on Green Belt (as it was in June 2019) allows will development be permitted. The Framework, as published in December 2024, is the latest expression of national policy and thus provides the key Green Belt policy tests for this development. In this instance, the changes made to the Framework, insofar as they relate to the issues in this appeal, are not significant, as acknowledged by the appellant in his final comments.
7. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate apart from a few exceptions set out in a closed list.

8. Exception b) is the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport and outdoor recreation (amongst other things), as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. A stable building used for the keeping of horses associated with the paddock to the rear of The Chalet and to the south of the land the subject of the enforcement notice could amount to an appropriate facility for outdoor recreation, even if used on a private basis. That principle was accepted by the previous Inspector even though that appeal was dismissed and of course planning permission (ref. R20/0997) is in place for a stable block on the site relating to that same paddock. The enforcement notice itself essentially seeks a reversion to the structure that was approved under that planning permission. Whether the development as built meets the relevant exception to inappropriate development in the Green Belt therefore rests on whether the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
10. Whilst the development is sited broadly in the same location as the approved facility, the development as built and extended represents a very significant increase in both footprint and volume, with an appreciable increase in height. So, whereas the approved scheme was for a modest structure with a limited footprint (about 61 sq. m) and ridge height (4.1m), resulting in minimal impact on the openness of the Green Belt, the development that has been built reaches up to about 147 sq. m with a ridge height of 4.712m. By way of further comparison, the previous dismissed appeal, which is an important material consideration, related to a building with a footprint (excluding the area underneath a roof canopy) of about 125 sq. m and a ridge height of 4m.
11. The building's scale and design ought to reflect the need to preserve openness, so it is correct to examine whether its size is reasonably necessary to fulfil its intended functions. In carrying out this planning judgement, I accept that the development now on site provides the same number of loose boxes (2) as the approved facility. However, it also includes a tack room and feed store, hay store, wash down and cart storage area and an enclosed corridor area. These ancillary areas (roughly 122 sq. m in total) occupy a substantially larger footprint than the loose boxes (at a combined footprint of about 25 sq. m) themselves. The scale of the ancillary facilities, especially the tack room and feed store and hay store, appears wholly disproportionate to the stabling provision. The appellant has provided some information relating to the use of these areas, but there is very limited justification as to why such extensive accommodation is required or needed on this holding. In the absence of clear evidence demonstrating a genuine need for ancillary spaces of this size, I am not persuaded that the building represents an appropriately scaled facility for outdoor sport/recreation within the Green Belt.
12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. I consider that the development given its height, design, spread and proximity to the roadside is prominent from various public vantage points along Gipsy Lane, particularly when viewing from the north through the openings in the roadside vegetation created by 2 vehicular access gates and associated low fencing on adjacent land and in more direct head-on views over the

access gate and frontage hedging to the appeal site. It provides for a strong and emphatic physical feature near to the entrance of the site. This scale of new building, when compared to the approved scheme, reduces spatial openness by enlarging the physical spread of built development at the appeal site, while the significant increase in volume diminishes visual openness. Overall, the development amounts to a sizeable building which harms the openness of the Green Belt in spatial and visual terms.

13. Therefore, even if I were to consider, as the previous Inspector did, that the development would not conflict with the purposes of including land within the Green Belt, the appeal scheme nevertheless amounts to inappropriate development in the Green Belt given the failure to preserve openness. So, exception b) of paragraph 154 of the Framework cannot be relied upon. I find that the development amounts to inappropriate development in the Green Belt, thereby conflicting with the Framework and LP Policy GP2.

Character of the area

14. In the second paragraph of the reasons for issuing the subject notice, it is said that appropriate consideration has not been given to the rural character of the site, in terms of the proposed scale, design and fenestration details.
15. LP Policy SDC1 covers sustainable design and states that: *“All development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.”* This is consistent with the Framework.
16. Whilst there is a mixture of long back gardens and paddocks nearby fronting onto Gipsy Lane, some of which contain outbuildings, garages or stables, the site and its surroundings remain resolutely rural in character.
17. In the open public views of the appeal site from Gipsy Lane I have described, the building, owing to its height, sheer depth, overall size and scale, the overwhelming use of brickwork and the number and style of its windows appears to be redolent of a residential bungalow rather than a stable building in a paddock. Compared to the authorised structure and other nearby buildings, it appears as a visually intrusive interruption to this rural street scene, notwithstanding the presence of mature or maturing bands of landscaping. The construction of palpably domestic-style development of this notable scale, urban form and prominence along this roadside has had a moderately harmful effect on the rural character of the area. It therefore runs counter to the aims of LP Policy SDC1 and the Framework.

Other considerations

18. The appellant's key submission in the ground (a) appeal is that the unauthorised development is not inappropriate development in the Green Belt. That line of argument did not require the appellant to advance or list any obvious other considerations in support of the appeal. Still, I have had regard to all the relevant matters raised in the written representations.

19. The Council did not allege any harm with regard to biodiversity, highway safety, residential amenity, the water environment, flood risk, the historic environment or to any other typical planning matters. However, this is not a positive consideration in favour, rather it should be regarded as neutral in the planning balance.
20. For the avoidance of doubt, I should add that any additional landscaping would do little to overcome the harm that arises to the openness of the Green Belt and the character of the area on account of the scale, expanse and height of the subject structure. There would be no conditions that would overcome the harm that has been caused.
21. The appellant points to several examples of brick-built barns in the locality in the Green Belt. No specific examples were illustrated in the appellant's statement but no 2 sites are the same and I have no detailed planning history or plans of any other examples before me for comparison purposes.
22. The appellant refers to how the brick structure, compared to timber stables, offers a significant security enhancement, protection from strong winds and various animal welfare benefits. I attach some weight to these alleged benefits but this weight is tempered somewhat by the availability of other means of achieving site security such as CCTV installations and robust boundary treatments that may offer better protection for the openness of the Green Belt and the high-quality rural surroundings. Moreover, the appeal submissions did not include any specific support from a professionally-recognised equine institution or any published guidance from such an institution or any up-to-date contributions from an independent equestrian expert to confirm that what has been built on the site was the only beneficial operational solution for the appellant.

Whether very special circumstances exist

23. The proposal would amount to inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt, including harm to its openness, as I found above. There is additional moderate harm to the rural character of the locality. '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.
24. I judge that the other considerations here do not, individually or cumulatively, clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms that result from the development. The very special circumstances required to justify the development are not therefore present.

Final balance and conclusion

25. To conclude on ground (a), the development the subject of the enforcement notice would be contrary to the development plan when read as a whole alongside the Framework and there are no other material considerations to outweigh that finding. Therefore, the ground (a) appeal should not succeed and I shall refuse to grant

planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeals on ground (g) – Appeals A and B

26. For a challenge on this ground to succeed, I would need to be satisfied that the 28-day compliance period set out on the enforcement notice falls short of what should reasonably be allowed.
27. The appellants contend that the compliance period is too short and request 12 months to comply with the notice. They are concerned that the work that would be required to remove elements of the building would not be insignificant. They would need to engage the services of a contractor to carry out the work and point to the shortage of materials, labour and equipment such as skips.
28. From what I saw, the development is substantially completed. Given the nature and extent of the demolition and reconstruction work needed to comply with the notice, I too agree that 28 days is unreasonable. In practice, the 28-day compliance period specified in the notice is likely to be exceeded by just securing an appropriate contractor and then allowing for the lead time for booking the project in with that contractor. That said, 12 months is far too excessive given the identified planning harm. A suitable compromise would be 6 months. This would, in my judgement, strike a more appropriate balance between remedying the planning harm and allowing the appellants a reasonable period of time to complete the required work.
29. Although the Council referred to the time which has elapsed since the breach of planning control was first brought to the attention of the appellants in November 2023, that is not a relevant matter in terms of determining the reasonableness of the period for compliance after the enforcement notice takes effect. This is because the appellants were entitled to appeal against the notice and to assume success on any ground. In this case, since ground (a) was pleaded as well as ground (g), they may have anticipated the enforcement notice being quashed.
30. To conclude on ground (g), I find that the period for compliance falls short of what is reasonable. The appeals on ground (g) therefore succeed to a limited extent and I will vary the notice accordingly.

Andrew Dale

INSPECTOR