The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/B3438/W/23/3329961
Moorview, Kingsley Road, Cellarhead ST9 0DJ

- 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 Mr D Price against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2023/0249 was approved on 12 July 2023 and planning permission was granted subject to conditions.
- The development permitted is for the erection of stable block and change of use of land to equestrian.
- The condition in dispute is No 3 which states that: The stable block hereby permitted shall only be used for the stabling of horses belonging to and ridden by the household residing at Moorview for outdoor recreation that is incidental to the enjoyment of the dwellinghouse. When the stable block is no longer required or ceases to be used to stable the household's horses it shall be demolished and removed from the land.
- The reason given for the condition is: To protect the Green Belt from inappropriate development and because the development was only exceptionally permitted as appropriate facility for the outdoor recreation enjoyed by the household.

Decision

1. The appeal is allowed and the planning permission Ref SMD/2023/0249 for the erection of stable block and change of use of land to equestrian at Moorview, Kingsley Road, Cellarhead ST9 0DJ granted on 12 July 2023 by the Staffordshire Moorlands District Council, is varied by deleting condition 3 and substituting it for the following condition:

   1) The stable block hereby permitted shall only be used for the stabling of horses belonging to and ridden by the household residing at Moorview for outdoor recreation that is incidental to the enjoyment of the dwellinghouse.

Background and Main Issue

2. Condition 3, as set out above, is formed of two parts. The first restricts the use of the stable for equestrian purposes while the second requires its removal should this use cease. The appellant disputes the need for the second part and therefore, the main issue is:

   - Whether the condition is necessary and reasonable having regard to the Green Belt, its openness and the purposes of including land within it.

Reasons

3. The appeal site consists of a residential plot to one side of Kingsley Road and a number of fields to the other side. Permission was granted for the erection of a timber stable block containing three stalls and a storeroom. This would be sited within the current parking area adjacent to the dwelling at Moorview. The appeal site, including the location of the stable, is within the Green Belt.

4. The National Planning Policy Framework (the Framework) sets out that development within the Green Belt is inappropriate unless it meets one of a number of exceptions. In this case, exception 153(b) is the most relevant and regards the provision of appropriate facilities for outdoor sport or recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In their assessment the Council found the proposal met these requirements and as such, formed an exception and would not be inappropriate development in the Green Belt.

5. Given the Council found that the stable would not be inappropriate development and would preserve the openness of the Green Belt, its removal would also not affect the Green Belt or its openness. The requirement for the building to be removed should the use cease is, therefore, unnecessary. This is especially so as the first part of the condition would, in effect, retain the equestrian use unless planning permission was granted for a change of use. As the Council would need to determine such an application, they would maintain control over the use of the stable and any potential impacts on the Green Belt.

6. The Council have raised concerns that the appellant may seek to use the building for alternative purposes, such as a workshop or garage. Such suggestions are speculative and I have no evidence before me to suggest more than a theoretical potential for this. Nevertheless, it is within the Council's powers to carry out enforcement action against planning breaches and determine planning applications. Similarly, whilst the lease on the nearby fields may end, this would not necessitate the equestrian use of the stables ceasing too. As such I have afforded this matters only very limited weight in my considerations.

7. In light of the above, I find that the second part of Condition 3 is unnecessary to ensure that the proposal would not harm, nor be inappropriate development in, the Green Belt. As such, the scheme would still be acceptable if Condition 3 was removed and replaced with a condition that did not include this second provision. I therefore find that Condition 3 does not meet the tests set out under Paragraph 56 of the Framework.

Other Matters

8. In their submissions the appellant has referred to, and provided a copy of, the appeal against a condition at Fould House[1]. The condition is similar to that before me as it controls the use of the building and requires its removal should the approved use cease. I recognise that I do not have all of the case's relevant information before me, and that this example was not in the Green Belt. Nevertheless, I have been mindful of this example in my considerations above.

[1] Appeal Ref: APP/B3438/W/21/3269856

Conclusion

9. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting, and substituting, Condition 3.

Samuel Watson

INSPECTOR