



**STATEMENT OF CASE  
OF  
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

**S174 APPEAL  
PLANNING INSPECTORATE REFERENCE  
APP/C3430/C/23/3322739**

**APPEAL BY: MS JAYNE GOODWIN  
APPEAL SITE: UPPER HATTONS STABLES, PENDEFORD HALL LANE,  
COVEN, WOLVERHAMPTON WV9 5BD  
LOCAL AUTHORITY REFERENCE: 22/00083/UNDEV**

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## **1. INTRODUCTION**

1.1 This appeal is brought against the decision by South Staffordshire District Council to serve an Enforcement Notice, (“the Notice”) in respect of land, (“the Land”) at Upper Hattons Stables, Pendeford Hall Lane, Coven Wolverhampton WV9 5BD.

1.2 The alleged breach of planning control is:

*Without planning permission, the partial construction of a stable block to accommodate tack rooms, washrooms and storage rooms situated around a central courtyard on the Land and in the approximate position marked blue on the Plan.*

1.3 A copy of the Notice has previously been sent to the Planning Inspectorate and is produced at Appendix 1.

1.4 Land Registry Title Register and Title Plan reference SF528446 showing the Appellants ownership of the Land is produced at Appendix 2.

## **2. SITE DESCRIPTION AND REASONS FOR ISSUING THE NOTICE**

2.1 It appears to the Council that the breach of planning control on the Land has occurred within the last four years, and therefore is not immune from enforcement action.

2.2 The unauthorised development has taken place in an isolated rural location within the Green Belt at Upper Hattons Farm. It is surrounded by open fields with the M54 Motorway located across open fields to the north of it.

2.3 The unauthorised development consists of the erection of a large-scale stable block building to accommodate 14 stables, 3 storerooms, 2 tack rooms and a washroom. Although partially complete the general footprint is complete and as built occupies an extensive footprint of some 300sqm around a central courtyard which, including the courtyard, brings the total occupation of the Land to some 650sqm.

2.4 Paragraph 137 of the National Planning Policy Framework (NPPF), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

2.5 Paragraph 138 (c) of the NPPF states that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment.

2.6 Paragraph 147 of the NPPF states that that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 2.7 Paragraph 148 of the NPPF states that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
- 2.8 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not therefore to be regarded as inappropriate development is 'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the greenbelt and do not conflict with the purposes of including land within it'.
- 2.9 Policy GB1 of the South Staffordshire Core Strategy Development Plan adopted 2012, seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework. Openness is an essential characteristic of the Green Belt. Openness has both a visual and spatial aspect. The latter can be taken to mean the absence of built form.
- 2.10 Policy EQ4 of the core strategy states that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced and that the siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape.
- 2.11 Policy EQ11 requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects",
- 2.12 The unauthorised partially built stable block building located around a central courtyard represents a significant increase in the amount of built development on a site which already contains a substantial amount of development. The building extends the built form of the site further north, resulting in encroachment into the Green Belt and occupies an extensive footprint of some 300sqm (650sqm including courtyard area). The scale of the development causes significant harm to the openness of the Green Belt and significantly encroaches into the countryside. No very special circumstances have therefore been clearly advanced to outweigh the harm identified to the Green Belt.
- 2.13 Policy EV7 of the Core Strategy supports horse related facilities and equine enterprises in the Green Belt, but makes it clear that "proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local economy through sound financial planning and should be consistent with other local planning policies."
- 2.14 No information has been submitted to demonstrate that the unauthorised development would be beneficial to the local economy; or that the benefits arise

would be so beneficial to the local economy that this would override the significant harm to the openness of the Green Belt.

- 2.15 Policy EV7 also requires the design, materials and siting are sympathetic to the rural character of the area in which the building(s) is situated. The proposed design, given its scale and materials, is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose.
- 2.16 The development is therefore contrary to paragraphs 137, 138, 147, 148 and 149 of the NPPF and policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012.
- 2.17 On 6th January 2023, planning application reference 22/00713/FUL was refused for the development subject of this notice, consisting of the construction of a horse stables with tack room / washing room and storage forming a central court yard, as inappropriate development within the Green Belt for the reasons advanced in this notice.
- 3.18 The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

## 2.19 **National Planning Policy Framework**

12 – Achieving Well Designed Places  
13 – Protecting the Green Belt

## 2.20 **Adopted Core Strategy**

Core Policy 1 – The Spatial Strategy for South Staffordshire  
GB1 – Development in the Green Belt

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment  
EQ4 – Protecting and Enhancing the Character and Appearance of the Landscape  
EQ11 – Wider Design Considerations

Core Policy 9: Rural Diversification  
EV7 - Equine Related Development

## 3. **PLANNING HISTORY - EQUESTRIAN**

1980 Proposed riding school and stables, approved (80/00467)  
2001, retention of livery stables and indoor riding school (a/c 01/00138/FUL)  
2001, COU of existing building for storage ancillary to livery (a/c 01/00159/COU)  
2005, formation of a new access from Pendeford Hall Lane to Upper Hattons Stables, refused (05/00310/FUL)  
2015, Construction of new menage/training facility, approved (15/00396/FUL)

21/7/22 – Horse stables with tack room / washing room and storage forming a central courtyard. Application refused 6/1/23 22/00713/FUL

#### **4. SUMMARY OF EVENTS**

- 4.1 On 16th February 2022, the Council received a complaint in relation to the construction of a stable block within the Green Belt at Upper Hatton Stables, Upper Hatton Farm, Pendeford Lane, Coven. Council officers attended on 23<sup>rd</sup> February 2022 and found the construction of a large-scale stable block under way (“the Stables”). Photographs were taken and these are produced at Appendix 3.
- 4.2 On 11th July 2022, the landowner submitted a partial retrospective planning application (application reference 22/00713/FUL), for the retention of the stable block, consisting of 14 stables, 3 storerooms, 2 tack rooms and a wash room. The partial built stable block and associated rooms occupy an extensive footprint of some 300sqm (650sqm including the courtyard area).
- 4.3 On 9th December 2022, the Appellant’s agent was advised that the scale of development would cause significant harm to the openness of the Green Belt and questioned whether the applicant wished for the Council to determine the application in its current form, or whether amended plans which significantly reduced the scale of the proposal would be submitted.
- 4.4 On 13th December 2022, the agent responded with a proposal to overclad the stark blockwork with timber to make it ‘blend in’ to its surroundings. However, a significant change to the scale of the proposal was required to remedy the harm caused by the scale of the development and no proposals were put forward to address this.
- 4.5 On 6th January 2023, planning application reference 22/00713/FUL was refused for the development subject of the Notice, as inappropriate development within the Green Belt. The decision Notice is produced at Appendix 4.
- 4.6 On 18<sup>th</sup> January 2023, an e-mail was sent to the planning agent requesting details of how he wished to proceed given that the application was refused. No response was received.
- 4.7 On 16<sup>th</sup> March 2023, the Council sent an e-mail before action to the Appellant.
- 4.8 On 22nd March 2023, a site visit revealed that the partial built stable block had not been progressed to completion, however the external walls had been completed. Photographs were taken and these are produced at Appendix 5.
- 4.9 On 20<sup>th</sup> April 2023, given the ongoing harm to the Green Belt, the Council issued the Notice.

## 5. GROUNDS OF APPEAL

**Ground (d)** - That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

**Ground (f)** - The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

**Ground (g)** - The time given to comply with the notice is too short.

**Ground (a)** - That planning permission should be granted for what is alleged in the notice.

## 6. LPA RESPONSE TO TO APPEAL UNDER GROUND D

*Ground (d) - That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.*

- 6.1 The Appellant states that the concrete hardstanding extending across the Land ("the Concrete Pad"), was present on the Land when the Appellant first purchased and occupied the Site in 2000.
- 6.2 It is clear from aerial imagery that there was a pre-existing concrete pad and that it has been used to construct the stables upon. However additional concrete has been added to accommodate the Stables to complete the Concrete Pad. The size of the pre-existing concrete pad has therefore been grossly exaggerated.
- 6.3 Whilst aerial imagery is only a snap shot in time, such images can be a useful indication to show a pattern of land use over a period of time, particularly if there are a number of aerial images over a period of time showing the same piece of land.
- 6.4 The LPA produces aerial imagery dated December 2003 at Appendix 6 (page 1), showing the extent of the pre-existing concrete pad that was in existence as of that date. Aerial imagery on page 2 shows the Stables and the extent of land that they occupy on top of additional concrete that has been laid to form an extension of the concrete pad as of August 2021.
- 6.5 Using the aerial image from December 2003, the LPA produces Appendix 7, which shows the extent of the Land that the Stables occupy outlined in red, together with the pre-existing concrete pad as of the date of the image outlined in yellow. The percentage size increase in the size of the pre-existing concrete is approximately 78%.
- 6.6 The LPA produces all available aerial imagery from December 2003 to August 2021 at Appendix 8, (a total of 18 aerial images), showing that the size of the pre-existing concrete pad did not increase in size until construction of the Stables had commenced and the full extent of the Stables had been constructed as of August 2021.



- 6.7 Clearly, the increase in the size of the area to accommodate the Stables has required an increased use of concrete to accommodate them. As well as on the aerial images, the LPA produces the site visit photos from Appendix 5, showing new concrete having been laid at the entrance to the Stable, (page 1), and new concrete having been laid alongside the pre-existing concrete to the east wing of the Stables which can be seen when viewed through the entrance. An enlarged image showing the new concrete with more clarity is produced at Appendix 9.
- 6.8 The LPA accepts that pre-existing concrete existed on the site before the Stables were constructed. However new concrete has been laid leading to an approximate 78% increase in the size of the Concrete Pad in order to accommodate the as built development and subject to the LPA's suggested amendments under Ground F, the Inspector is invited to dismiss the appeal under Ground D.

## **7. LPA RESPONSE TO TO APPEAL UNDER GROUND F**

*Ground (f) - The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.*

- 7.1 Part 5ii) of the Notice, requires the Appellant to '*Permanently remove all hardstanding and materials used to form hardstanding bases for the development from the Land*'.
- 7.2 Given that the LPA accepts that pre-existing concrete has been used in the construction of the Stables, it does not require the pre-existing concrete to be removed. The LPA accepts that the wording of this requirement is therefore excessive, but that the wording is capable of amendment by the Inspector with causing any injustice to either party as follows:

*'Permanently remove all hardstanding and materials used to form hardstanding located on the land outlined in red as shown on the aerial image at Appendix 7, but excluding the hardstanding located on the land outlined in yellow shown on the aerial image at Appendix 7'*

- 7.3 Requirements 5.i) and 5.iii) remain unaffected.
- 7.4 Subject to these amendments, the LPA contends that the requirements of the Notice are not excessive and are the minimum that is required to remedy the harm caused by the development. The Inspector is therefore invited to dismiss the appeal under Ground F.

## **8. LPA RESPONSE TO APPEAL UNDER GROUND G**

*Ground (g) - The time given to comply with the notice is too short.*

- 8.1 The Appellant contends that the time given to comply with the Notice is too short and can only be undertaken on days when the business is not in operation, i.e. on Mondays and Fridays.

- 8.2 The Notice requires compliance within four months. The Appellant therefore submits that two days per week, (construction workdays i.e. not on a weekend), for a period of four months is insufficient to comply with the Notice. This equates to 34 working days. The Stables are of a simple construction and with the correct equipment the LPA contends that it would not take 34 days to demolish and remove the material from the Land. The additional concrete used in the development to form the concrete base between the area outlined yellow and the area outlined red on the aerial image at Appendix 7 will take some effort to break up, but again this can easily be achieved within the time period which the Appellant herself states is available to her.
- 8.3 Even if the work could not be achieved during this period, (the LPA contends that it can), the consequences of constructing the Stables in the absence of planning permission must have been understood by the Appellant. In addition, working two days a week with a gap in between is likely to be more costly given that equipment may have to be moved on and off the site two days per week. It may therefore be more efficient and of less cost to close the business so that the Notice can be complied with in a timely and cost-efficient manner. However, should the Appellant choose to comply with the Notice only on the days that the business is closed, with the extra work that this entails in removing equipment on and off the site, there is still ample time to comply with the Notice in a period of 34 working days.
- 8.4 Given the time period available to the Appellant to comply with the Notice, the LPA contends that four months is sufficient for her to comply with it and the Inspector is invited to dismiss the appeal under Ground G.

## **9. LPA RESPONSE TO TO APPEAL UNDER GROUND A**

*Ground (a) - That planning permission should be granted for what is alleged in the notice.*

### Green Belt and Openness

- 9.1 The site is within the Green Belt. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and permanence; and sub paragraph 138 (c) of the Framework advises that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment. The openness of the Green Belt has both spatial and visual dimensions.
- 9.2 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not therefore to be regarded as inappropriate development is 'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the greenbelt and do not conflict with the purposes of including land within it'. Although the precise wording of Policy GB1 of the CS slightly differs from

paragraph 149, its overall aims concerning the provision of appropriate facilities for outdoor sport and recreation are broadly consistent with the NPPF. As such, this policy should be given weight in the assessment of this case.

9.3 The Appellants grounds for appeal statement infers that the appellant operates a business comprising livery, equine courses and riding school; the equine and riding school has been operating since 2009; and the applicant breeds horses for these purposes. There are 70 horses and 36 stables present on site.

9.4 The submitted floor plans for refused application 22/00713/FUL, showed an additional 14 stables, 3 storerooms, 2 tack rooms and a wash room. Paragraph 25.34 of the grounds for appeal statement provides that:

*“Whilst the equine courses have been provided within the existing accommodation to date, this has necessitated the use of the Previous Stables, as well as the livery space and small mess room for tuition, presenting a pressure for space with livery clients, and with practical aspects either having to be taught in the Barn, presenting a conflict with other tuition, or outside, which is often unsuitable due to the weather, such that the students often miss out on valuable learning opportunities. The Stables will provide a separate and enhanced dedicated space for learning which would be more appropriate for the needs of the cohort of children involved, whose needs and behaviour are challenging and thus are better-served in a separate area”.*

9.5 Therefore, it is reasonable to assume that the main purpose of the new stable block is to provide a separate area for the equine/animal welfare education courses, away from the riding school and livery businesses due to pressure for space and conflicting interests (i.e. challenging behaviour of students).

9.6 The grounds of appeal statement further provides that a new building would be convenient to house the horses chosen for the equine course (keep calm and dry) and to provide outdoor tuition and indoor learning areas. Paragraph 35.20 states that the stables are required to provide shelter for “at least some of the horses” contained in the ‘previous stables’, therefore it is the Councils view that the stabling of horses for outdoor recreation is not the main purpose of the building. The new building would enable the applicant to enhance and expand the facilities offered for the equine/animal welfare courses. The construction of the ‘stable block’ is also noted to generate 4 full time jobs and 1 part-time.

9.7 The provision of facilities to support and enhance the animal/equine welfare education courses would not fall into the definition of appropriate facilities for outdoor sport or recreation and is thus inappropriate development by definition. Notwithstanding this, the proposals represent a significant increase in the amount of built development on a site which already contains a substantial amount of development. The building would further extend the built form of the site further north, resulting in encroachment and would occupy an extensive footprint of some 300sqm (650sqm including courtyard area).

9.8 The appellants grounds of appeal statement provides that there have been temporary stable blocks sited on this land over the years and also that the land

has been used for outdoor teaching. Even if these points are accepted, the positioning of any structures (as can be seen from aerial imagery) occurred on a small portion of the site and the photos submitted show structures of a temporary nature. There has been no development of this permanence or of this significant scale.

- 9.9 Paragraph 133 of the NPPF states that, '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'.
- 9.10 The NPPG (22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume.
  - the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation. (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)
- 9.11 The aerial views provided by the Council show structures on a small portion of the site. On this basis it is reasonable to assume that this land was open land which contributed to the openness of the Green Belt in both spatial and visual terms. The area occupied by the building results in a significant loss of openness in spatial terms. In terms of visual, the application site is partially screened by the topography of the land and the existing buildings to the south, nonetheless, the further encroachment of the built up site will have some impact on visual amenity, especially viewed from the fields to the north.
- 9.12 The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside. It is therefore concluded that the proposals are excessive in size and do not represent appropriate facilities for outdoor recreation which preserve the openness of the Green Belt and is therefore contrary to Local Plan Policy GB1 and Paragraph 149 of the NPPF.

### Sustainability

- 9.13 The Council's Spatial Strategy (Core Policy 1 or CP1) identifies that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, to ensure that the necessary infrastructure, facilities and services are available to support growth. In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

- 9.14 Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas.
- 9.15 Core Policy 7 (Employment and Economic Development) provides that 'outside the Main Service Villages, Local Service Villages, and Small Service Villages, proposals for small-scale employment development and the sustainable diversification of the rural economy, including the conversion and re-use of suitable redundant rural buildings for employment use and live/work units, will be supported where they are consistent with Core Policy 9 and do not conflict with other local planning policies'. It also further states that 'employment development will be expected to contribute to the achievement of sustainable development. **The priority will be for the re-use of previously developed land (brownfield land) in sustainable locations, provided it is not of high environmental value; that is accessible by public transport, walking and cycling and development should be appropriate in scale and design to the location for which it is proposed (LPA emphasis added)**'.
- 9.16 Core Policy 9 (Rural Diversification) provides that the Council will support the social and economic needs of rural communities in South Staffordshire. However, proposals should not conflict with other local planning policies, particularly the environmental policies. Development should be designed to be sustainable; seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 9.17 Upper Hattons Farm lies outside of the service villages. In terms of sustainability the site is located around 2.4miles from the Local Service Village of Coven and 2miles from the Main Service of Bilbrook. Pendeford Hall Lane is unlit and there are no public footpaths, and the nearest bus stop is located around a 15min walk at Pendleford Hall Business Park (Adj, Overstrand Caravan Park). Users of the site and staff members (additional 3 full-time and 1 part-time are expected to be generated) will be heavily reliant upon car usage and as such there is conflict with CP1, CP7 and CP9 which needs to be weighed in the planning balance.

#### Policy EV7: Equine Related Development

- 9.18 Policy EV7 of the Core Strategy supports horse related facilities and equine enterprises in the Green Belt, but makes it clear that "proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local economy through sound financial planning and should be consistent with other local planning policies."
- 9.19 The Appellant operates a business comprising livery, equine courses and riding school, and also breeds and trains horses for that business. There are 70 horses and 36 stables present on site (including sick bays), as provided in the ground of appeal statement; and this proposal would result in an additional 14,

creating a total of 50 stables. This is clearly not a small scale equestrian site and would be classed as a larger scale equine enterprises.

- 9.20 No information has been submitted to demonstrate that the proposed development would be beneficial to the local economy; or that there would be some benefit to the local economy that would override the significant harm to the openness of the Green Belt. The proposal is therefore contrary to Policy EV7.
- 9.21 In addition, Policy EV7 also requires the design, materials and siting are sympathetic to the rural character of the area in which the building(s) is situated. The proposed design, given its scale and materials is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose. Whilst there are a range of building materials on the adjoining site, the excessive scale, and layout of the buildings in this instance are not typical of rural building used for outdoor sport and recreation.

#### Very Special Circumstances

- 9.22 Paragraph 148 of the Framework provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
- 9.23 The grounds of appeal statement provides that the equine courses run from the site provide an important community and social benefit for young persons. The benefits of such courses are not disputed however the Council do not consider that the scale of the proposal has been clearly justified or is required for the applicant to continue to run the existing courses. The statement confirms that there will be only one course running at a time with 3-5 participants and it is not the intention to expand the number of courses which has been running successfully from the site since 2009. However, 3 additional full-time and 1 part-time staff member are proposed, and no detailed information has been submitted regarding the number of students or how many courses have run over the years.
- 9.24 The statement acknowledges that there are no welfare issues in keeping horses outside and in addition to the existing 32 stables and the separate block for sick horses, horses have been kept in the 'large' schooling barn or the outside paddocks. It is however preferred (my emphasis) for the horses used for the equine courses to be stabled inside so they are calm and dry. It appears that the only operational change to the equine courses since 2009 is the requirement to now teach formally English and Maths, and a more formalised indoor teaching area is sought after. It has not been clearly demonstrated why a separate small room is unable to be created within or adjoining the existing built complex, or why there is now such a demand for the additional large facilities.

- 9.25 It is appreciated that a separate stable block to run the equine courses would be preferential to avoid conflict between other users of the site, however it is not a necessity and there has been no clear justification for the amount of development proposed. The council would expect to see more robust evidence to justify this taking place on site and why the existing facilities are inadequate. The Council therefore only attach moderate weight to the community and social benefits.
- 9.26 The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside to which the Council attach significant weight in the planning balance. The Council therefore do not consider that material considerations put forward amount to the very special circumstances required to outweigh the harm identified to the Green Belt.

#### Impact on neighbouring properties

- 9.27 There is a well-established equestrian business on site and therefore it is not likely, given the position of these stables that any significant harm will be caused on neighbouring amenity with regards to smells or disturbance.

There is no infringement with Policy EQ9.

#### Highways/access

- 9.28 Policy EV11 states that all proposals for development must include provision for sustainable forms of transport to access the site, and within the development.
- 9.29 Policy EV12 provides that appropriate provision should be made for off-road car parking. As a general principle, the level of parking should be based on the maximum number of vehicles likely to serve the development at any one time being able to manoeuvre with ease and leave the site in a forward gear.
- 9.30 It is not possible to determine the proposals impact on the highway network and if adequate parking provision is available. The application form for refused application 22/00713/FUL provided that there was 5 full-time and 2 part time staff members and no increase was proposed in staffing provision.
- 9.31 It is not clear how many vehicle movements take place each day with visitors to the site for the livery and riding school or how many education courses have been run over the years and how often these occur. The proposal to enhance and improve the education courses run from the site, will likely result in more courses being frequently run and the application form states that the proposal would likely result in an additional 4 staff members (3 full time and 1 part time).

#### Conclusion

- 9.32 The provision of facilities to support and enhance the animal/equine welfare education courses would not fall into the definition of appropriate facilities for

outdoor sport or recreation and is thus inappropriate development by definition. Notwithstanding this, the proposals represent a significant increase in the amount of built development on a site which already contains a substantial amount of development. The building would further extend the built form of the site further north, resulting in encroachment and would occupy an extensive footprint of some 300sqm (650sqm including courtyard area).

- 9.33 The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside. It is therefore not concluded that the proposal represents appropriate facilities for outdoor recreation which preserve the openness of the Green Belt and is contrary to Local Plan Policy GB1 and Paragraph 149 of the NPPF.
- 9.34 The material considerations advanced do not outweigh the harm identified to the Green Belt by virtue of inappropriateness and the other identified harm (i.e. harm to the openness and visual amenity).
- 9.35 The application site is not considered to be in sustainable location for further growth, Pendeford Hall Lane is unlit and there are no public footpaths, with the nearest bus stop located around a 15min walk at Pendleford Hall Business Park (Adj, Overstrand Caravan Park). Users of the site (visitors and staff) will be heavily reliant upon car and as such the proposal is contrary to CP1, CP7 and CP9.
- 9.36 The Council therefore respectfully requests that the appeal for retrospective planning permission is dismissed.

## **10. CONDITIONS**

### **10.1 Recommended Conditions for Consideration**

1. The premises shall remain closed between 21.00 hours and 09.00 hours on Mondays to Fridays, 17:00 hours and 09:00 hours on Saturdays and 15:30 hours and 10:00 hours on Sundays and Bank Holidays.

*Reason: 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.*

2. There shall be a maximum of six students on an education course at one time, unless agreed in writing with the Local Planning Authority.

*Reason: The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development.*

*Reason: In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.*



*Reason: The application site is not considered to be in sustainable location for further growth.*

3. Before the development is occupied at least two bat and bird boxes shall be erected within the development site and maintained as such for the lifetime of the development.

*Reason: To increase the biodiversity of the site in accordance with Policy EQ1.*

4. Within one month of approval, a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

*Reason: To increase the biodiversity of the site in accordance with Policy EQ1 of the adopted Core Strategy.*

*Reason: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.*

5. Within one month approval, a parking plan shall be submitted to the Council for approval. The parking areas shown on the approved plan shall be suitably surfaced, marked out and drained, constructed concurrently with the development and thereafter retained as such throughout the life of the development.

*Reason: In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.*

6. Within one month of approval, details of the cladding for the walls and materials for the roof shall be submitted to the local planning authority for approval. Development shall be carried out in accordance with the approved details.

*Reason: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.*

7. The permission hereby granted does not grant or imply consent for the installation of any means of lighting on the site or the building. Before any development takes place a scheme for the lighting of the building, roadways and parking areas shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved scheme. Additional lighting or alterations to the approved scheme shall not be carried out other than with the written approval of the Local Planning Authority.

*Reason: In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.*

# APPENDIX 1

# **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **TOWN AND COUNTRY PLANNING ACT 1990**

(As amended by the Planning and Compensation Act 1991)

### **ENFORCEMENT NOTICE**

#### **Unauthorised Development**

**ISSUED BY:** South Staffordshire District Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the Land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land at Upper Hattons Stables, Upper Hattons Farm, Pendeford Hall Lane, Coven Staffordshire WV9 5BD (“the Land”) edged in red on the plan (“the Plan”) annexed to this Notice.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the partial construction of a stable block to accommodate tack rooms, washrooms and storage rooms situated around a central courtyard on the Land and in the approximate position marked blue on the Plan.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control on the Land has occurred within the last four years, and therefore is not immune from enforcement action.

The unauthorised development has taken place in an isolated rural location within the Green Belt at Upper Hattons Farm. It is surrounded by open fields with the M54 Motorway located across open fields to the north of it.

The unauthorised development consists of the erection of a large-scale stable block building to accommodate 14 stables, 3 storerooms, 2 tack rooms and a wash room. Although partially complete the general footprint is complete and as built occupies an extensive footprint of some 300sqm around a central courtyard which, including the courtyard brings the total occupation of the Land to some 650sqm.

Paragraph 137 of the National Planning Policy Framework (NPPF), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently

open and the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 (c) of the NPPF states that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment.

Paragraph 147 of the NPPF states that that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not therefore to be regarded as inappropriate development is 'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the greenbelt and do not conflict with the purposes of including land within it'.

Policy GB1 of the South Staffordshire Core Strategy Development Plan adopted 2012, seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework. Openness is an essential characteristic of the Green Belt. Openness has both a visual and spatial aspect. The latter can be taken to mean the absence of built form.

Policy EQ4 of the core strategy states that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced and that the siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape.

Policy EQ11 requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects",

The unauthorised partially built stable block building located around a central courtyard represents a significant increase in the amount of built development on a site which already contains a substantial amount of development. The building extends the built form of the site further north, resulting in encroachment into the Green Belt and occupies an extensive footprint of some 300sqm (650sqm including courtyard area). The scale of the development causes significant harm to the openness of the Green Belt and significantly encroaches into the countryside. No very special circumstances have therefore been clearly advanced to outweigh the harm identified to the Green Belt.

Policy EV7 of the Core Strategy supports horse related facilities and equine enterprises in the Green Belt, but makes it clear that "proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local economy through sound financial planning and should be consistent with other local planning policies."

No information has been submitted to demonstrate that the unauthorised development would be beneficial to the local economy; or that the benefits arise would be so beneficial to the local economy that this would override the significant harm to the openness of the Green Belt.

Policy EV7 also requires the design, materials and siting are sympathetic to the rural character of the area in which the building(s) is situated. The proposed design, given its scale and materials consisting is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose.

The development is therefore contrary to paragraphs 137, 138, 147, 148 and 149 of the NPPF and policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012.

On 6<sup>th</sup> January 2023, planning application reference 22/00713/FUL was refused for the development subject of this notice, consisting of the construction of a horse stables with tack room / washing room and storage forming a central court yard, as inappropriate development within the Green Belt for the reasons advanced in this notice.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

## **5. WHAT YOU ARE REQUIRED TO DO**

### **You Must**

- i) Demolish and remove the partially constructed stable block building located in the approximate position shaded blue on the Plan.
- ii) Permanently remove all hardstanding and materials used to form hardstanding bases for the development from the Land.
- iii) Remove all materials, refuse and demolition material resulting from the removal of the partially constructed stable block building as required by (i) and (ii) above.

## **6. TIME FOR COMPLIANCE**

Four months from the date the notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 24<sup>th</sup> May 2023, unless an appeal is made against it beforehand.

Dated: 20<sup>th</sup> April 2023

Annette Roberts

Signed:

Annette Roberts

Corporate Director Infrastructure and Business Growth,  
South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall,  
South Staffordshire WV8 1PX

Nominated Officer:

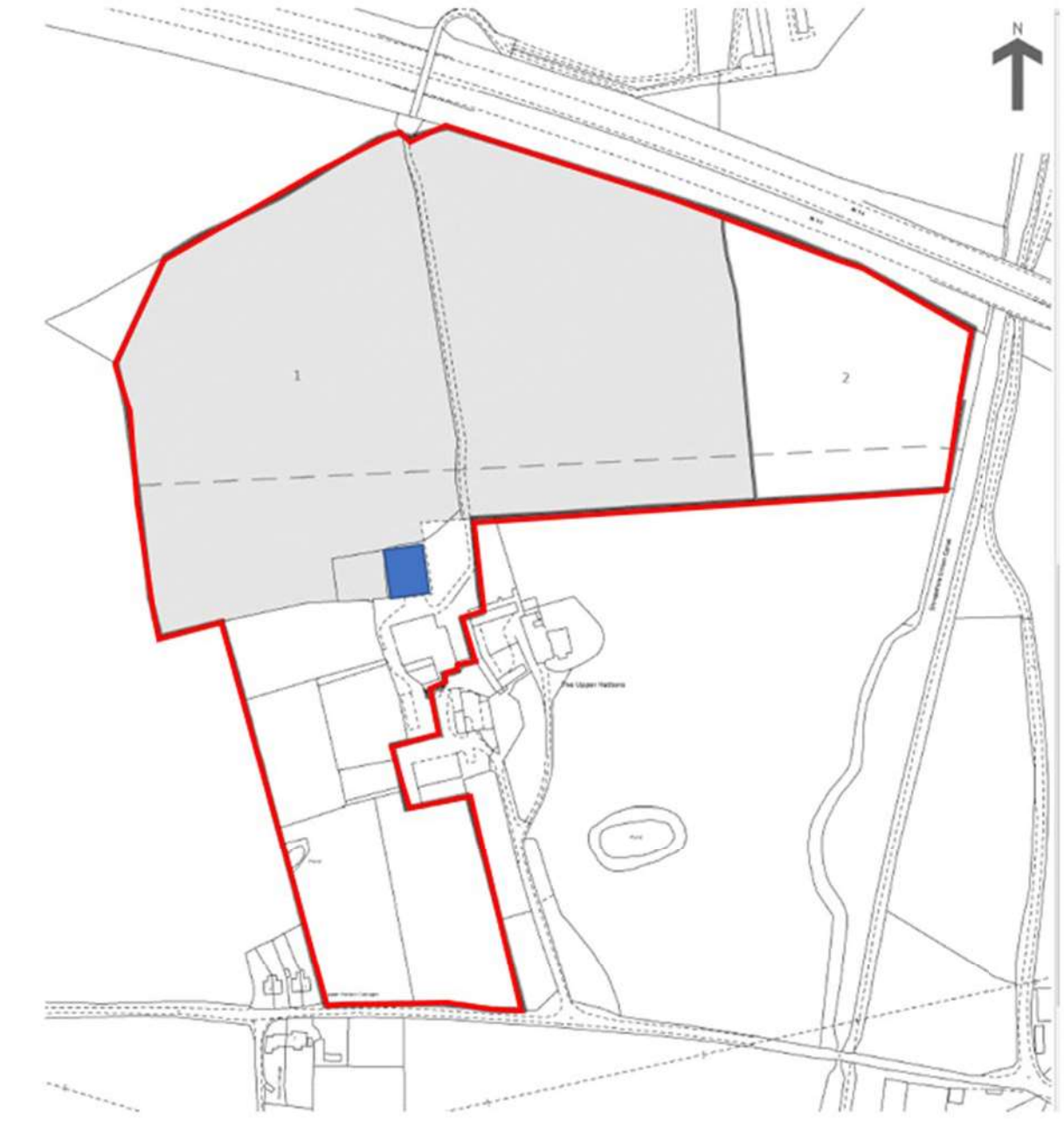
Mark Bray,

Planning Enforcement Consultant

Planning Enforcement Team South Staffordshire District Council, Council Offices, Wolverhampton Road,  
Codsall, South Staffordshire WV8 1PX

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

LAND AT UPPER HATTONS STABLES, UPPER HATTONS FARM, PENDEFORD HALL LANE, COVEN  
STAFFORDSHIRE WV9 5BD





# APPENDIX 2

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number SF528446

Edition date 06.06.2019

- This official copy shows the entries on the register of title on 17 MAR 2023 at 10:53:35.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 17 Mar 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

## A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : SOUTH STAFFORDSHIRE

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Upper Hattons Stables, Pendeford Hall Lane, Coven, Wolverhampton (WV9 5BD).
- 2 (03.07.1992) The land edged and numbered 1 in blue on the title plan has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 10 April 1992 referred to in the Charges Register:-

"TOGETHER ALSO WITH (i) the rights for the Purchaser and its successors in title to pass and repass (in common with the Vendors and all other persons entitled to a like right) at all times with or without vehicles or animals over and along such part of the main driveway leading to The Upper Hattons Farmhouse as is coloured blue on plan number two annexed hereto for the purpose of access to and egress from the land hereby conveyed (ii) the right for the Purchaser and its successors in title to enter on the Vendors adjoining land for the purpose of maintaining and repairing the building the eastern wall of which abuts upon such adjoining land between the points marked in red C-D on Plan number two annexed hereto

EXCEPT AND RESERVING to the Vendors and their successors in title (i) the right to continue the existing drainage of effluent outfall from a septic tank in the approximate position indicated in green on plan number two annexed hereto which takes soil and water from numbers 1, 2, 3 and 4 Pendeford Hall Lane on to part of the land hereby agreed to be sold numbered 5353 and 7254 on the Ordnance Survey Map (ii) to continue the existing drainage of effluent outfall from a septic tank on the Vendors retained Land in the approximate position indicated in dark blue on plan number two annexed hereto which takes soil and water from Upper Hattons Farmhouse to a dumbwell on the land hereby conveyed and thence to a ditch on the Vendors retained land numbered 8853 on plan number two annexed hereto (iii) the right to lay and retain a private mains water pipe through and under the field numbers 5353 7254 6680 and 8484 on plan number two annexed hereto in the approximate position indicated by a broken green line on that plan and the exclusive right to use the same for the purpose of taking a supply of mains water to Upper Hattons Farmhouse and to any other property in the neighbourhood now supplied with water through such pipe (subject as hereinafter

## A: Property Register continued

referred to) and also the right to enter upon such fields for the purpose of repairing renewing or maintaining the said pipe the Vendors or their successors in title making good at their own cost all damage or disturbance that may be caused to the surface of the said land in the exercise of such rights

SUBJECT TO .....

all public and private rights of way water drainage and watercourses light and other easements and quasi or reputed easements and rights of adjoining owners (if any) affecting the same .....

the rights (if any) of British Telecommunications Plc in respect of an underground telephone cable laid in Ordnance Survey Map number 6680 to the west of the track running from Upper Hattons Farm to the bridge over the motorway .....

any Wayleave Agreements that there may be with the Midlands Electricity Board so far as the same are still subsisting and capable of taking effect and affect the land hereby conveyed."

*NOTE: Copy plan number 2 filed under SF313050.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (27.06.2007) PROPRIETOR: JAYNE GOODWIN and JILL RUSSELL of Upper Hatton Stables, Penderford Hall Lane, Coven Staffs WV9 5BD.
- 2 (27.06.2007) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 3 (01.11.2007) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate, or by the proprietor of any future registered charge, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 18 July 2007 in favour of Business Mortgage Finance 7 PLC referred to in the Charges Register.
- 4 (07.05.2019) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 3 May 2019 in favour of Together Commercial Finance Limited referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (27.06.2007) The land is subject to the rights reserved by a Transfer of the land in this title dated 19 April 2007 made between (1) Jayne Stone and (2) Jayne Stone and Jill Russell.  
  
NOTE: No copy of the Deed referred to is held by Land Registry.
- 2 (01.11.2007) REGISTERED CHARGE dated 18 July 2007.
- 3 (17.09.2018) Proprietor: BUSINESS MORTGAGE FINANCE 7 PLC (Co. Regn. No. 6252784) of Asticus Building, 2nd Floor, 21 Palmer Street, London SW1H 0AD.
- 4 (07.05.2019) REGISTERED CHARGE dated 3 May 2019.
- 5 (07.05.2019) Proprietor: TOGETHER COMMERCIAL FINANCE LIMITED (Co. Regn.

Title number SF528446

## C: Charges Register continued

No. 2058813) of Lake View, Lakeside, Cheadle SK8 3GW, trading as Together.

End of register

**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

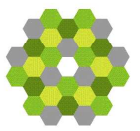
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

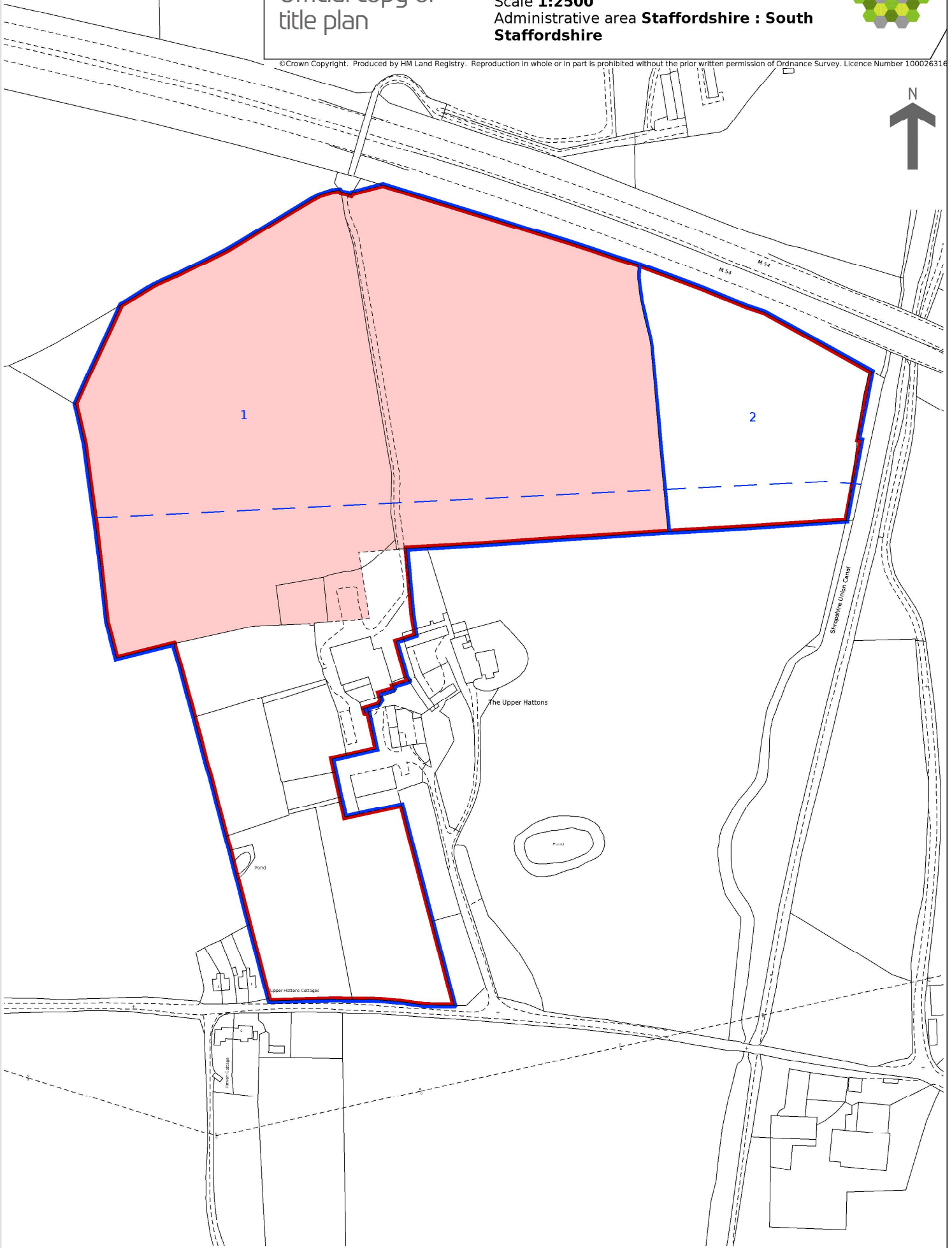
This official copy is issued on 17 March 2023 shows the state of this title plan on 17 March 2023 at 10:53:36. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Birkenhead Office .

HM Land Registry  
Official copy of  
title plan

Title number **SF528446**  
Ordnance Survey map reference **SJ8804NE**  
Scale **1:2500**  
Administrative area **Staffordshire : South Staffordshire**



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# APPENDIX 3













# APPENDIX 4



## Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

### REFUSAL OF PLANNING PERMISSION

Application Number: 22/00713/FUL  
Proposed: Horse stables with tack room / washing room and storage forming a central court yard  
At: Upper Hattons Farm Pendeford Hall Lane Coven Staffordshire WV9 5BD

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby **REFUSE** permission for the development described in the above application.

#### Reasons for refusal:

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy and paragraph 149 of the NPPF. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy and paragraph 149 of the NPPF.
2. The Local Planning Authority has considered the reasons advanced, but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
3. The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside., contrary to chapter 13 of the NPPF.
4. The proposed design, given its scale and materials is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose, contrary to Policy EV7 of the Core Strategy.
5. Proactive Statement -The Local Planning Authority has worked in a positive and proactive manner in accord with National Planning Policy Framework 2021, paragraph 38, by attempting to seek solutions with the applicant to problems associated with the application. A solution could not be found and so the development fails both with regards to the NPPF and the adopted Core Strategy 2012.
6. This application relates to submitted plans:  
2022-31-02 Block plan  
2022-31-02 Proposed plans and elevations.

Signed

Dated: 6 January 2023



Helen Benbow  
Development Management Team Manager

Jayne Goodwin  
C/O Graham Wood  
Dunwoody Developments  
163 Woodville Road  
Overseal  
Swadlincote  
DE12 6LX

## NOTES

### APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

## **PURCHASE NOTICE**

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

\*Householder development means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.



# APPENDIX 5









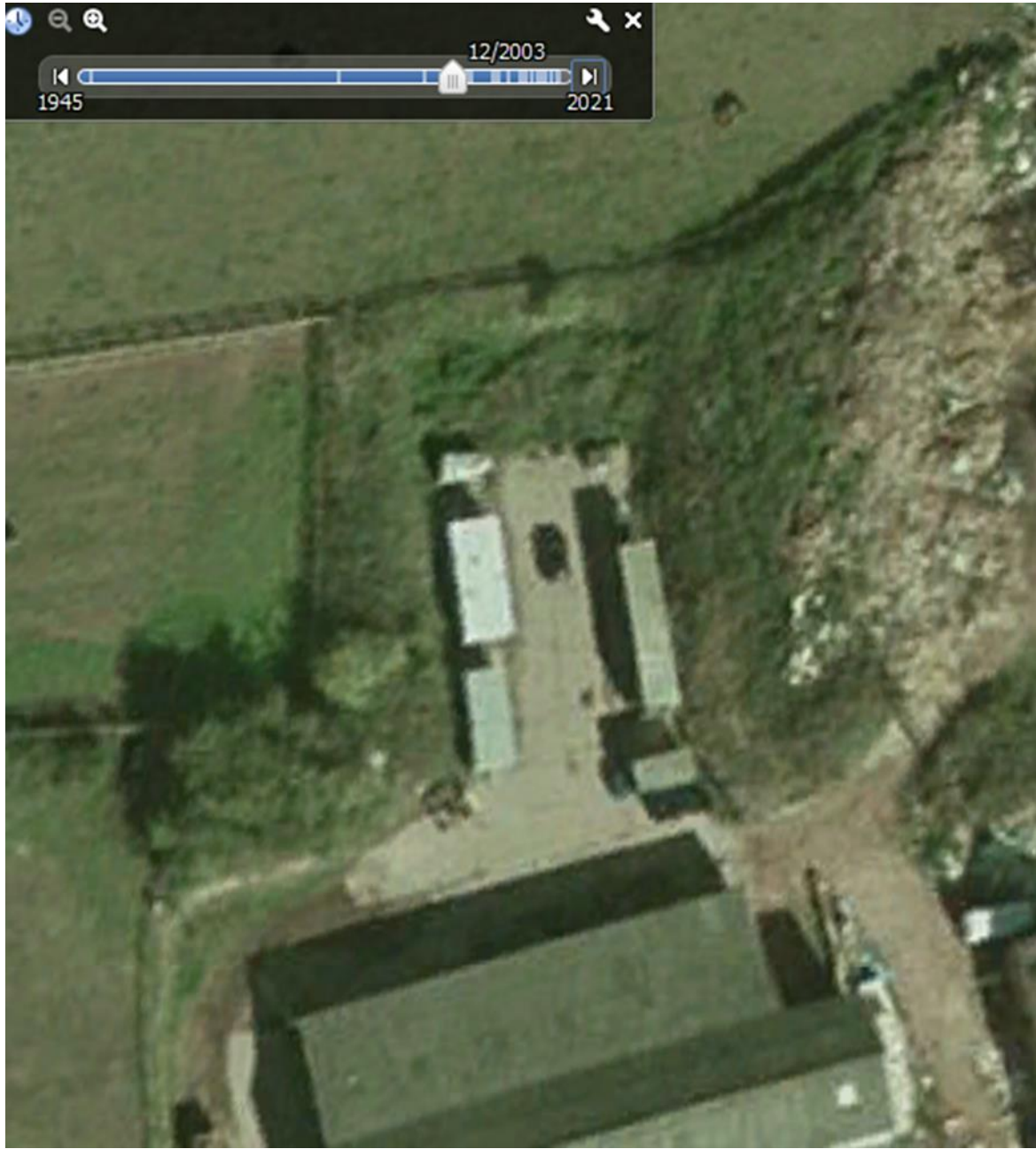






# APPENDIX 6

December 2003



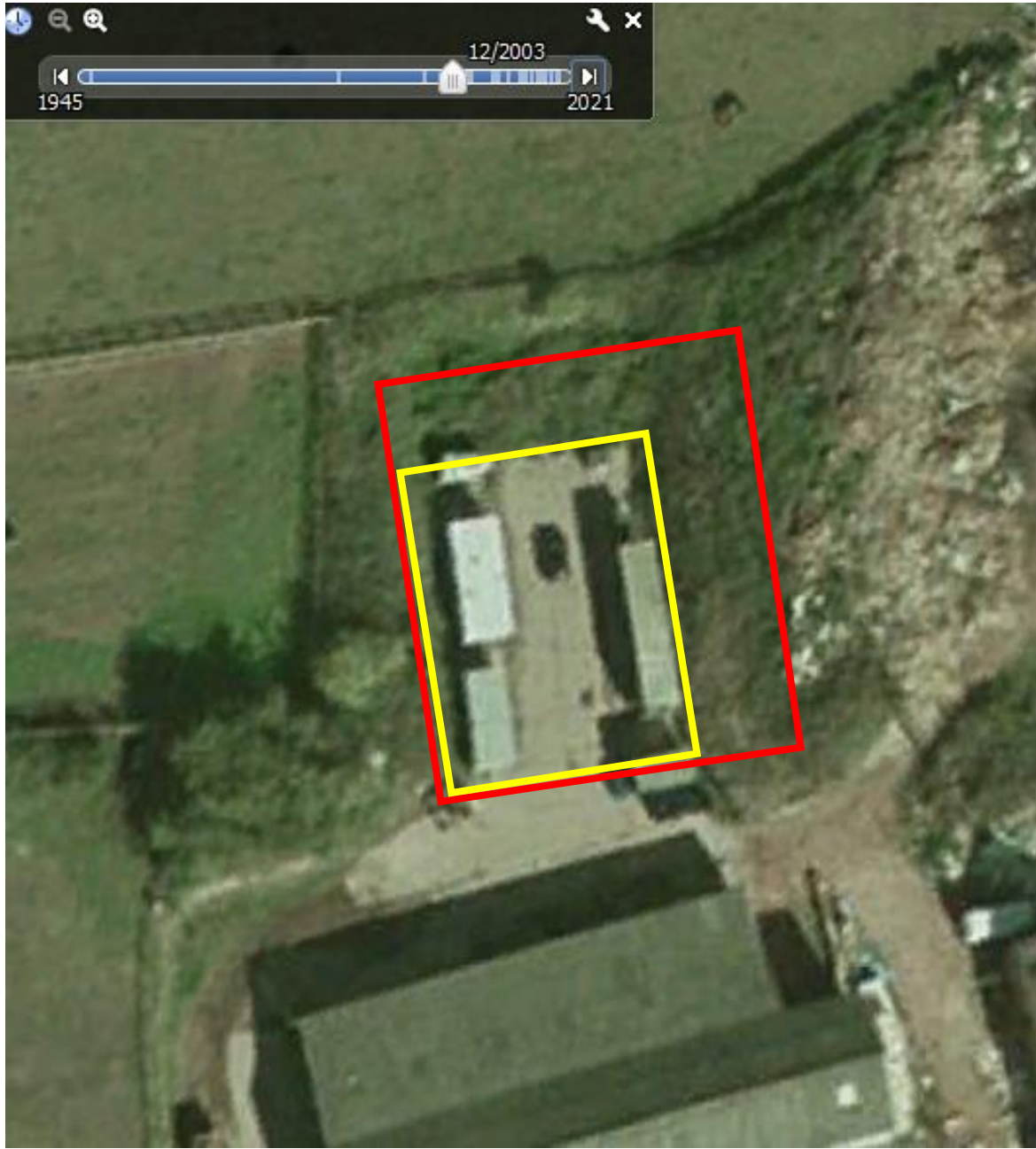
August 2021





# APPENDIX 7

December 2003



# APPENDIX 8



























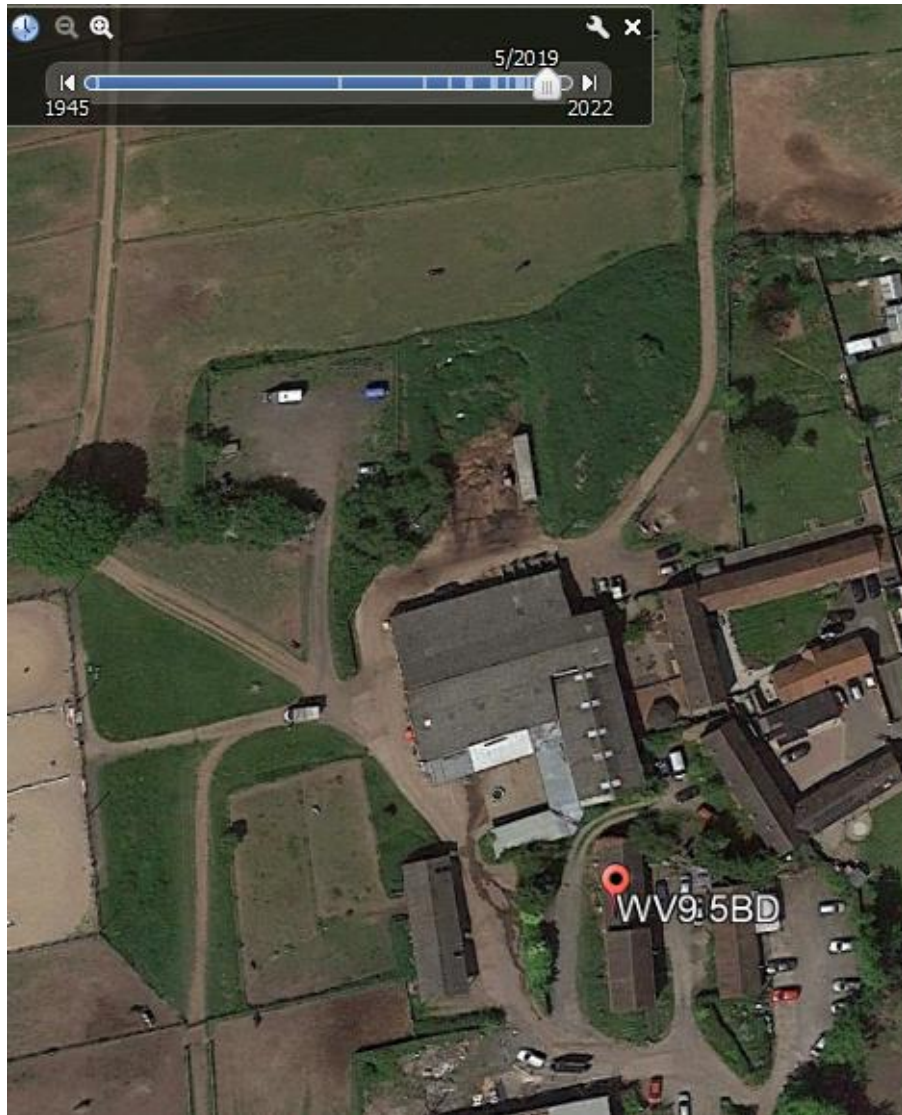






















# APPENDIX 9





# APPENDIX 10



South Staffordshire Council

# Core Strategy

December 2012



Further information can be found at  
[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)



A Local Plan for  
South Staffordshire

# **Core Strategy Development Plan Document**

**Adopted 11<sup>th</sup> December 2012**

South Staffordshire Council

### **Policy GB1: Development in the Green Belt**

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

- A.** A new or extended building, provided it is for:
- a) purposes directly related to agriculture or forestry; or
  - b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
  - c) affordable housing where there is a proven local need in accordance with Policy H2; or
  - d) limited infilling\* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).
- B.** The re-use of a building provided that:
- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.
- C.** Changes of Use of Land:
- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.
- D.** Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*\*Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.*

Village Design Guide SPD 2009  
Conservation Area Appraisals and Management Plans 2010  
Open Space Strategy 2009

### **Delivery and Monitoring**

Through Development Policy EQ13  
LSP Environmental Quality Delivery Plan  
Conservation Area Management Plans  
Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Development Policies**

7.58 The following Development Policies support Core Policy 4.

#### **Policy EQ11: Wider Design Considerations**

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

##### **A. Use**

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

##### **B. Movement**

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;



- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

#### C. Form

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

**D. Space**

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

**Explanation**

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABI publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

**Key Evidence**

Sustainable Community Strategy 2008 – 2020  
Southern Staffordshire Surface Water Management Plan Phase 1 2010  
Planning for Landscape Change – Staffordshire County Council SPG 1996-

own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

### **Key Evidence**

Sustainable Community Strategy 2008 - 2020  
Conservation Area Appraisals and Management Plans 2010  
Village Design Guide SPD 2009  
Buildings of Special Local Interest (on going)  
Historic Environment Character Assessment 2011  
Assessment of Physical and Environmental Constraints 2009  
West Midlands Farmsteads and Landscapes Project 2010

### **Delivery and Monitoring**

Through the Development Management process in consultation with English Heritage, the County Council and other partners  
Conservation and Design advice  
Conservation Area Management Plans  
Village Design Guide SPD (or subsequent revisions)  
Historic Environment SPD  
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape**

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands

and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

### **Explanation**

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The

NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.

- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii\* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape characterisation. More detailed guidance on landscape character will be included in a Supplementary Planning Document.

**Key Evidence**

Sustainable Community Strategy 2008 - 2020  
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011

Through the Development Management process  
Working with Economic Development partners  
LSP Economic Vibrancy Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Policy EV7: Equine Related Development**

Horse related facilities and equine enterprises in the Green Belt and Open Countryside will be supported provided that:

- a) new buildings in association with equine development such as stables and field shelters are sited within close proximity to existing rural buildings and are a suitable distance away from dwellings as to not impact on the amenity of nearby residents;
- b) the design, materials and siting are sympathetic to the rural character of the area in which the building(s) are situated;
- c) the proposal does not have an adverse impact on the natural environment and the integrity of designated protected sites;
- d) any associated developments such as maneges are sympathetic to the character of the area;
- e) the proposal is located close to the bridleway network and is located so as to reduce conflict between road users due to the transportation of horses, deliveries and horses using narrow lanes.

Proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local rural economy through sound financial planning and should be consistent with other local planning policies.

### **Explanation**

9.36 Equine Related Development is an acceptable form of development in rural areas and is becoming increasingly popular within South Staffordshire due to the rural nature of the District. A large proportion of the District is designated as Green Belt and the NPPF states that appropriate facilities for outdoor sport and recreation are suitable uses. The Council also recognises that where appropriate, equine enterprises should be supported to contribute positively to the local rural economy. However, such enterprises must maintain environmental quality and not impact negatively on the character of the landscape.

9.37 It is recognised that local planning policies should provide a positive framework for facilitating sustainable development that supports traditional



land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location whilst maintaining environmental quality and the openness of the Green Belt and appearance or character of the Open Countryside.

**Key Evidence**

Sustainable Community Strategy 2008-2010  
Tourism Strategy 2010  
Understanding the Economy of Rural Staffordshire 2009  
Staffordshire Rural Forum Strategic Action Plan 2006-2009  
Staffordshire Destination Management Partnership Delivery Plan 2008 - 2011  
West Midlands Visitor Economy Strategy 2009/2010  
WMRSS Evidence Base  
Rural Evidence Base 2010

**Delivery and Monitoring**

Through the Development Management process

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

**Policy EV8: Agriculture**

The Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification which is complementary to, and helps to sustain the existing agricultural enterprise;
- b) supporting small scale farm shops selling local produce;
- c) encouraging the re-use or adaptation of existing farm buildings including redundant buildings, provided it would not result in a need for further agricultural buildings and is consistent with Supplementary Planning Guidance on barn conversions;
- d) encouraging sustainable forms of agriculture which include environmentally sensitive, organic and locally distinctive produce, together with its processing, marketing and retailing;
- e) encouraging the management of land for biodiversity;