Planning Inspectorate

Appeal Decision

Site visit made on 20 April 2026

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 May 2026

Appeal Ref: APP/J3720/C/25/3358965
Land at Alne Park, Park Lane, Great Alne, Alcester B49 6HS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Daniel Skelton against an enforcement notice issued by Stratford-on-Avon District Council.
- The notice was issued on 5 December 2024.
- The breach of planning control as alleged in the notice is: Without planning permission,
  a) the erection of a new building in the approximate location identified as 'A' on the Plan,
  b) engineering works involving the creation of an access track/driveway in the approximate location hatched in black on the Plan,
  c) creation of an area of hardstanding in the approximate location identified as 'B' on the Plan, (and)
  The change of use of the Land identified as 'B' on the Plan from agriculture to a mixed use of agriculture and the storage of miscellaneous items not related to agriculture (including tyres, timber pallets, building materials and scrap metal).
- The requirements of the notice are to:
  a) Demolish the building.
  b) Remove the area of hardstanding.
  c) Remove the access track/driveway.
  d) Remove all the materials associated with requirements a) to c) above from the Land.
  e) Remove from the Land all items that are not reasonably necessary for the purpose of agriculture.
  f) Restore the Land to its condition prior to the unauthorised development being carried out and thereafter only use the Land for agricultural purposes.
- The period for compliance with the requirement is 4 (four) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the notice be corrected by adding the word “material” to the breach of planning control as alleged in part 3 between the words “The” and “change of use”.

2. It is directed that:

   Step f) in part 5 of the notice be varied by deleting the words “and thereafter only use the Land for agricultural purposes.”

   An additional step in part 5 of the notice is added: “Step g) Cease the mixed use of the Land.”

3. Subject to the correction and variations, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Matters Concerning the Notice

4. The notice refers to both operational development and a change of use but omits to properly specify that there has been a “material” change of use in part 3. It is important for me to get the notice right where I can and in this case that means a correction to clarify what is alleged. Development is defined in section 55(1) of the 1990 Act as including ‘the making of any *material* change in the use of any building or other land’.

5. It therefore follows that the allegation in the notice would not constitute development for the purposes of section 55(1) of the 1990 Act. Because the breach of planning control as alleged in the notice does not constitute the development of land, it follows that planning permission would not be required for it. The notice is defective in that respect.

6. However, having regard to the appellant’s case, there is no reason for me to consider that they misunderstood that part of the allegation. It is open for me to correct and/or vary the notice in accordance with my powers under section 176(1) of the 1990 Act. As such, I consider that the allegation can be corrected, as set out in the formal decision. In doing so, I am satisfied that no injustice will arise to either of the main parties.

7. There is further need for me to vary the terms of the notice in part 5. Under s173 of the 1990 Act, the requirements of a notice should square up with and follow logically from the allegation regarding what a notice may require to remedy the breach of planning control. Accordingly, as a mixed use is alleged, the notice should require the mixed use to cease. Furthermore, step f) requires that the land shall thereafter only be used for agricultural purposes. Since the scope of the notice is limited by s173(4)(a) and (b), the recipient cannot be required to undertake matters that would go beyond remedying the breach. Thus, the requirement should be varied accordingly. By doing so, I consider that there will be no injustice to either party.

Ground (a) and the Deemed Planning Application

Main Issues

8. The appeal site falls within land designated as Green Belt. Therefore, the main issues are:

   - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and, if so, the effect on the openness of the Green Belt; and

   - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

9. The breach of planning control alleged in the notice comprises the erection of a new building, creation of an access track/driveway and hardstanding, and a material change of use of the land from agriculture to a mixed use including the

storage of items unrelated to agriculture (such as tyres, timber pallets, building materials and scrap metal).

10. Alne Park extends to around 140 acres (57 hectares) and is predominantly a stud farm with paddocks, racing and training facilities, gallops, horse walkers and lunge areas. The land is also used agriculturally, with increasing reliance on sheep grazing to support the equine use of the land through natural worm control.

11. Planning permission for a replacement agricultural building (retrospective) was refused and dismissed on appeal (ref. APP/J3720/W/24/3341571) on 24 October 2024. That building is the subject of the enforcement notice. Due to changes introduced by the Levelling-up and Regeneration Act 2023, an appeal on ground (a) cannot be made in respect of that development where the enforcement notice was issued within 2 years of the application ceasing to be under consideration. It was clarified that the ground (a) appeal is valid only insofar as it relates to development not subject to that application.

12. Put simply, the erection of the building cannot form part of the ground (a) appeal, which is limited to the remaining alleged breaches set out in section 3 of the notice. It was clarified when the enforcement notice appeal was submitted that the appeal on ground (a) was valid insomuch as it related to the development that was not the subject of the recent planning application[1].

13. Although my decision concerns only the access, hardstanding and the material change of use, had the building formed part of the deemed application, I would have found that little has changed since the previous appeal and that its planning merits remain constrained by that earlier decision.

14. The Council's submissions note that its refusal of the previous application omitted to refer to the Green Belt designation of the appeal land, nor was this addressed in the appeal decision.

15. While national and local policy support agricultural development in the Green Belt, the functional justification for the building remains key. The previous Inspector found that the building was not reasonably justified for its agricultural purposes, citing poor ventilation, a small footprint, limited size openings and decorative detailing, giving it a strong domestic character rather than a functional agricultural character suited for agricultural purposes for livestock and machinery. It therefore conflicted with Policy AS.10 of the Stratford-on-Avon District Core Strategy (2011-2031) (CS) which seeks to protect the rural character of the countryside.

16. Although the appellant again provides evidence of a need for a livestock building, the structure as built remains, in my view and as previously concluded, functionally unsuitable. My visit confirmed it retains the same characteristics; it contained only a few lambs and some hay bales stored in one corner.

17. I appreciate that there was previously a building on the site, however, it was demolished. Had the building remained in situ, the option to replace it with a similar structure might have been available to the appellant through an appropriate planning permission. Unfortunately, that opportunity has been lost.

18. The evidence indicates a likely functional need for an agricultural building, but significant weight must be given to the previous appeal decision dismissing

[1] Email to the main parties dated 17 January 2025, LPA Statement Appendix 4

retention of the unauthorised building currently on site. In terms of Green Belt policy, the evidence suggests that as it stands, the building would not fall within the agricultural exceptions relied upon and would likely constitute inappropriate development in the Green Belt, such that I would not have been unable to support its retention.

19. I now turn to the remaining matters on ground (a): the access track and area of hardstanding and the use of that area for non-agricultural storage purposes as alleged in the notice.

Whether inappropriate development in the Green Belt and the effect on openness

20. The appeal site is located within the Green Belt. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. The essential characteristics of the Green Belt is its openness and permanence, and its fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt. Development in the Green Belt is considered inappropriate unless it falls within specified exceptions.

21. An exception identified in paragraph 154 h) of the Framework is for engineering operations, so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

22. The track and hardstanding are accessed from the existing private roadway that runs through the middle of the appellant's land from north to south linking its access at each end with the public highway. In addition to the operational development, the notice attacks the material change of use of the hardstanding area for the storage on non-agricultural items.

23. The appellant provides that the development comprises works to an existing track, which historically provided access to the former building on the land. However, there is limited substantive or verifiable evidence before me, such as historical aerial images, to demonstrate that such a route existed as anything more than an informal passage across agricultural land consisting of an earth track. I therefore attach limited weight to the suggestion that the current works merely represent an improvement to an existing access.

24. The track and hardstanding are materially different in character. They consist of the importation and compaction of road planings to form a consolidated, engineered surface extending approximately 184m in length and around 2.5m in width, together with an extensive area of hardstanding adjoining the unauthorised building. Even though the depth of the material above ground level is limited, the extent and permanence of the works form a consolidated surface replacing what would otherwise be a permeable and undeveloped ground condition, thereby resulting in a loss of openness. This introduces a distinctly urbanising feature into what was previously largely undeveloped agricultural land.

25. The compacted aggregate has a uniform grey appearance which contrasts with the surrounding grassland. From within the site, including along the existing internal roadway, there are glimpses of the track and hardstanding. The track is bounded each side by a wide grassed verge and beyond that boundary fencing and hedgerows run alongside the development, with a mature hedge to one side and a more recently planted hedge to the other. The area of hardstanding widens

out to the field boundaries either side with a mature hedge to one side and a newly planted hedgerow to the other two sides. Beyond the track and hardstanding are large open fields with hedgerows and fencing, residences, buildings and structures associated with the equine use.

26. While in visual terms the track has a limited impact, the area of hardstanding is more extensive and consists of significantly more material which results in its stark appearance within this rural setting. Moreover, the creation of a defined and durable access track and hardstanding facilitates vehicular movement in a manner that is materially different from informal agricultural use of open land. Even if some level of agricultural vehicle movement may have occurred previously, the introduction of a formalised surface enables a more regular use. This is a reasonable assumption drawn from the physical characteristics of the development and its intended purpose.

27. The notice also alleges a material change of use of the hardstanding for the storage of items not necessarily related to the agricultural use of the land. There is no evidence from the appellant to dispute that the land has not been used in such a way and at my visit, I observed some items that appeared not to be for agricultural purposes. The change of use introduces activity on the land through the siting of various non-agricultural paraphernalia, and this represents a noticeable encroachment of urban activity into agricultural land that would conflict with a main purpose of the Green Belt and with the fundamental aim of Green Belt policy which is to keep land permanently open.

28. Unlike engineering operations, this form of development does not fall within any of the exceptions set out in paragraph 154 of the Framework. The type of items identified and their positioning on the land indicate that they may well remain for extended periods, reinforcing the perception of permanence and ongoing use. This contributes to the erosion of openness beyond what might arise from short-term or incidental agricultural storage. It is therefore considered that the use would result in a reduction in visual openness and that there would be an encroachment of non-agricultural activity into the countryside. It therefore constitutes inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

29. Although the track and hardstanding are said to be for agricultural purposes, the brick building on the land is unauthorised and there is a requirement for it to be removed. Accordingly, at the current time, there is no functional requirement and no justification for the track and hardstanding. At my visit I observed that a new timber building had been erected for livestock purposes. However, that structure is not part of the proposal before me and I therefore cannot have regards to its merits. Furthermore, I am not aware of whether it is authorised or not. In these circumstances, my remit is narrow and I must determine the appeal regarding the alleged breach only. I will, however, return to this matter briefly in ground (g).

30. Taken together, the engineered form, physical presence, and consequential increase in activity associated with the track and hardstanding result in both spatial and visual harm to the openness of the Green Belt. The development introduces an urbanising feature into the rural landscape and conflicts with the fundamental aim of Green Belt policy to keep land permanently open.

Other considerations

31. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. While the appellant relies on the justification of the track and hardstanding for all-weather accessibility to a purpose-built lambing facility, which would also be utilised for agricultural storage purposes, there is, at this moment in time, no authorised building to be accessed as far as I am aware.

Planning balance

32. The development is inappropriate in the Green Belt and fails to preserve openness, resulting in harm. This is a matter to which substantial weight is attached. It would also represent encroachment, conflicting with one of the purposes of including land within the Green Belt.

33. Accordingly, the development conflicts with Policy CS.10 of the Stratford-on-Avon District Core Strategy (2011–2031) and the Framework in this regard. There is also conflict with Policy AS.10 which restricts development in the open countryside to that which is justified for agriculture, horticulture, or forestry purposes.

34. No other considerations advanced by the appellant clearly outweigh this harm. Very special circumstances have therefore not been demonstrated to justify a grant of planning permission.

Conclusion on ground (a) and the deemed planning application

35. For the reasons set out and having considered all other matters raised, the appeal on ground (a) cannot succeed. The development conflicts with the development plan, as a whole, and the Framework and there are no material considerations to indicate that a decision should be taken otherwise. The notice will be upheld with a correction and variations and planning permission refused on the application deemed to have been made under section 177(5) of the Act as amended.

Ground (g)

36. Ground (g) concerns whether the compliance period is reasonable. The appellant contends that time is needed to provide alternative lambing facilities following removal of the unauthorised building. While a new lambing shed has been erected, and I assume that this is the facility to which the appellant refers, there is no evidence before me as to its planning status.

37. The appellant seeks a 12 month period to allow time to secure permission for a building, with the appropriate access arrangements, whether through permitted development rights or a planning application. In these circumstances, the need to regularise and/or replace the facility justifies an extended compliance period.

38. The appeal on ground (g) therefore succeeds.

SA Hanson INSPECTOR