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## Appeal Decision

Site visit made on 29 April 2025

**by E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 June 2025**

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**Appeal Ref: APP/L3245/W/24/3356499**

**Land to South of Nook Lane, Weston under Redcastle, Shropshire SY4 5LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr P Sutton against the decision of Shropshire Council.
  - The application Ref is 23/04624/FUL.
  - The development proposed is the erection of a building for private horse riding practice and associated works, to include change of use of land.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a building for private horse riding practice and associated works, to include change of use of land at Land to South of Nook Lane, Weston under Redcastle, Shropshire SY4 5LP in accordance with the terms of the application, Ref 23/04624/FUL, subject to the conditions set out in the schedule below.

### Preliminary Matter

2. The description of development in the banner heading is taken from the application form, however, I have removed the superfluous text which state that the proposal is a resubmission of a previous application, as it does not describe an act of development.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site comprises part of a larger parcel of pastureland enclosed by fencing and in part, well established hedgerows and mature trees. It lies between Miami Cottage, which fronts the A49 and the residential properties along Nook Lane. Aside from the presence of the stable building adjacent to the entrance to the site, which was under construction at the time of my visit, the land is otherwise open. The appeal site contributes positively to the surrounding area which is rural in character, comprising open fields and grassland, interspersed by areas of woodland and mature hedgerows, as well as scattered residential development.
5. The appeal scheme seeks the erection of a steel framed building to provide an indoor practice area for the exercising of horses, which the appellant indicates is the minimum size necessary to undertake the use proposed. The proposed equestrian building would have a rectangular footprint and be of a simple form,

with a shallow pitched roof, and would be constructed of dark green profiled sheeting to the walls and roof. The proposal also includes the reinforcement of the existing hedgerow planting to the southern and eastern boundaries of the site and the provision of a planted earth mound to 2 sides of the building.

6. The Landscape and Visual Impact Assessment<sup>1</sup> (LVIA) submitted as part of the application, sets out that the site falls within the Enclosed Lowland Heaths Landscape Type as defined within the Shropshire Landscape Typology report. The key characteristics of which include undulating lowland, planned woodland character and dispersed settlement pattern. The nature and appearance of the appeal site and its surroundings, comprising open fields, enclosed by mature hedgerows, along with pockets of mature trees and woodlands and scattered residential development accords with these characteristics.
7. While considerable in size, the building would be akin to an agricultural building in relation to its appearance, particularly its design and facing materials, and overall scale. Notwithstanding the extent of the site, it would appear as a functional building typical for this location. The building would be appropriately positioned set back from Nook Lane and adjacent to the side boundary of the site, on part of the site where it extends outwards, close to a group of mature trees which would provide a backdrop to the building. While a short distance from the stables at the entrance to the site, it would nonetheless be perceived within the context of the existing equestrian development at the site and the adjoining neighbouring detached dwelling, Miami Cottage.
8. Due to its height and size, there would be views of the proposed building from the nearby public rights of way and roads, including from the entrance to the site and field gate on Nook Lane. However, public views of the site are relatively localised in their extent and would be obscured to a degree by the existing trees and hedgerows to the site boundaries. In addition, the siting and modest area covered by the access track and bund, located in close relation to the existing and proposed built form at the site, mean these components of the scheme would not be conspicuous in the wider landscape. For these reasons, the proposed development would not appear unduly visually prominent and would be sympathetic to its rural setting. Thus, it would assimilate well within the landscape context and would not diminish the features which contribute positively to the landscape character of the area.
9. These findings reflect the LVIA, which concludes that the magnitude of change is considered to be Low, to Negligible given the size of the building and extent of the appeal site. While it found a Moderate Adverse Effect is likely to be experienced during some of the construction phase, particularly for residents close to the site, the overall, long-term landscape and visual impacts associated with the proposed development are considered Slight Adverse Effect to Neutral, given the site context and nature of the proposal.
10. For the foregoing reasons I therefore conclude that the proposal would not harm the character and appearance of the area. Accordingly, in that regard it would comply with the aims of Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, adopted March 2011 (CS) which supports proposals for sustainable rural leisure and recreation in the countryside location,

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<sup>1</sup> Landscape and Visual Impact Assessment Rev A by ProHort Limited dated February 2024

where they are appropriate to their location, and where they accord with the aims of Policies CS16 and CS17, which among other things, seek to protect local character, and Policy C6 of the CS which seeks high quality sustainable design which is appropriate to the local context and character. The proposal would also accord with those aims of Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted December 2015, which require development proposals to contribute to and respect locally distinctive or valued character and avoid harm to landscape character.

## Other Matters

11. While not referred to specifically in the refusal reason the Council's Statement of Case raises concern regarding the location of the development and in particular accessibility to it by means other than the private car, due to its distance from the nearest settlement. However, given the practice area would be for private use only, it would be unlikely to lead to a significant increase in the number of trips to and from the site, above those which already take place to the existing stables. Consequently, it would not give rise to any material harm in that regard.
12. In addition, the Council has expressed concern regarding the availability long term of the additional grazing land required to meet the minimum requirements for the 4 horses to be accommodated at the site, as a consequence of the appeal proposal. While I acknowledge that the supplementary grazing land nearby is rented by the appellant, there is no substantive evidence that this land, or alternative provision in the locality, would not continue to be available for such purposes to satisfy the relevant guidelines.
13. While there may be flooding issues in the vicinity of the appeal site, there is no compelling evidence that the proposal would exacerbate the situation.
14. Furthermore, given the proposed use of the facility for personal use by the appellant, which could be secured by a suitable planning condition, the Highway Authority has raised no objection to the proposal on highway safety grounds. There is no clear evidence to draw me to reach a different view. In addition, given the scale and siting of the building, together with the nature of the use and intervening landscaping, the proposal is unlikely to give rise to any significant effects upon the living conditions of the occupiers of neighbouring properties in terms of vibration, noise and disturbance, or loss of outlook, light or privacy.
15. Subject to planning conditions to secure a landscaping scheme, compliance with the mitigation and enhancement measures set out in the submitted Ecological Impact Assessment<sup>2</sup> (EIA), and the approval of an appropriate lighting scheme, the Council is satisfied that the proposal would not have an adverse impact upon wildlife, including protected species, and would provide suitable biodiversity enhancements. Based on the evidence before me, I have no reason to reach a different conclusion. The provision of a sensitive lighting scheme would also serve to ensure any external lighting of the building would not harm the living conditions of the occupiers of nearby properties.
16. My attention is drawn to other developments which have taken place at the site and nearby. Nonetheless, the proposal falls to be assessed on its own merits, based on the evidence before me.

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<sup>2</sup> Ecological Impact Assessment by Susan Worsfold BSc dated October 2022

17. Hawkstone, a Grade I Heritage Park and Garden lies a short distance from the site. Having regard to the scale and nature of the development and its position relative to it, I am satisfied that the proposal would preserve the setting of the listed park and garden. Moreover, the Council has not indicated otherwise, and I have no reason to disagree.

### **Conditions**

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording. Conditions requiring the commencement of development within the relevant timeframe and the carrying out of development in accordance with the approved plans are necessary in the interests of clarity. The drawings include details of materials to be used in the construction of both the access track and the building, as such a separate condition specifying materials is not necessary.
19. To protect existing trees in the interests of the character and appearance of the area, a condition is necessary to ensure the implementation of the measures set out in the submitted Tree Protection Plan and Method Statement.
20. To minimise impacts on and to enhance biodiversity, including protected species, conditions are necessary to ensure the development is carried out in accordance with the submitted EIA and to agree details of bird and bat boxes to be installed. In relation to the latter, the Council's suggested condition includes a detailed list of requirements. I have omitted these so that the parties can agree the specific details when the condition is discharged. A condition to agree details of any external lighting is necessary to minimise disturbance to nocturnal wildlife.
21. It is necessary to impose a condition to secure details of a surface water drainage strategy to ensure the development does not exacerbate the risk of flooding. The suggested condition includes the need to carry out soakaway tests and refers to specific guidance; however, I have omitted this wording so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed. This is worded as a pre-commencement condition as surface water drainage is an integral part of the development that may affect how it is constructed.
22. In the interests of highway safety and the character and appearance of the area a condition is necessary to restrict the use of the building for the personal use of the appellant.

### **Conclusion**

23. For the above reasons, the appeal is allowed.

*E Worley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with drawings numbers: 3058 D 01D Site Plan as Existing, 3058 D 02F Site Plan as Proposed and 3058 D 03E Proposed Building.
- 3) All trees shown to be retained on the approved plan shall be protected in accordance with the submitted Tree Condition Report Arboricultural Impact Assessment Tree Protection Plan and Method Statement by Arborist & Ecological Services Ltd dated 7 February 2023 and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to the commencement of the development hereby approved, including ground levelling, site preparation or construction. The protective fencing shall be maintained throughout the duration of the development.
- 4) All works in relation to the development hereby approved shall be carried out in full accordance with the mitigation and enhancement measures in Section 6 'Assessment of effects and Mitigation Measures' of the Ecological Impact Assessment by Susan Worsfold BSc dated October 2022.
- 5) Prior to first use of the building hereby approved details of bat and bird boxes to be installed on the site shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to the first use of the building and shall be retained thereafter in perpetuity.
- 6) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features such as bat and bird boxes and shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
- 7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed in accordance with the approved details prior to the first use of the building and shall be managed and maintained thereafter in perpetuity.
- 8) Notwithstanding the details shown on the approved plans, no above ground works shall be commenced until full details of landscape works, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The details shall include:
  - preparation and approval of a planting plan, specification and aftercare;

- proposed planting mound composition, dimensions and treatment to make it a suitable growing medium; and
- details of the completed landscape works previously approved for site including the planting of 50 trees and additional hedging

The landscape works shall be carried out in accordance with the approved plan/s, details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- 9) The development hereby approved shall be used for the private equestrian purposes only for the benefit of the landowner and shall not at any time be used for any business or commercial activities or public events.

**\*\*\*\*\*end of conditions\*\*\*\*\***