
Appeal Decision

Site visit made on 11 October 2016

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Appeal Ref: APP/W1145/W/16/3152520

Land at Braddon Estate, Ashwater, Beaworthy EX21 5EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by George Ridge against the decision of Torridge District Council.
 - The application Ref 1/0687/2015/FUL, dated 2 July 2015 (registered 11 January 2016), was refused by notice dated 17 March 2016.
 - The development proposed is described as the addition of a 70m x 30m lean-to steel frame agricultural building to existing 10m x 30m steel frame building of similar construction; roadway through; concrete floor; concrete panel walls; cement roofing.
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Decision

1. The appeal is allowed and planning permission is granted for a building for storing fuel and dry storage and processing associated with woodchips on land at Braddon Estate, Ashwater, Beaworthy EX21 5EP in accordance with the terms of the application Ref 1/0687/2015/FUL, dated 2 July 2015 (registered 11 January 2016), subject to the conditions set out in Annex A.

Preliminary matters

2. The Council amended the description of the proposed works to a building for storing fuel and dry storage and processing associated with woodchips. Since that is a more accurate description I have adopted it.
3. I saw that the additional building was already in place, although the concrete floor had not been laid. Since the application was made, additional soundproofing and ventilation equipment has been installed. Whilst not fully operational, the building is at least partly in use. I was able to assess its actual impact on its surroundings.

Main issue

4. The main issue in this appeal is the impact of the development on the open countryside.

Reasons

5. The appellant operates a commercial forestry enterprise based on his long-term ownership of the 45 Ha Braddon Forest. The site lies at the heart of the forest, with Braddon farmhouse (the appellant's home) and several other dwellings some distance to the south-east. An existing building on the site houses a small storage area, a chipping area, a wood chip hopper and a wood chip fired boiler installation. Forest thinnings and coppiced wood are to be processed into wood
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chips for use as a renewable energy fuel, to be sold in bulk. The boiler would be used to dry the wood chips. I understand that it also provided heating to the group of cottages to the south-east, although I gather that system is now partly defunct. The additional building would be used to store and dry bulk wood before chipping, together with the necessary machinery. That requires a considerable amount of space. I note that the provision of the additional building is supported by a Countryside Productivity grant from the Rural Payments Authority.

6. A peculiarity of the building is that it is built over a private right of way to a dwelling to the north of the site, owned by the appellant but currently tenanted. The access way, within the new building, adjoins the older building. Large openings, at least 4.8 metres high, in the walls of the building allow good access through it. While an unusual arrangement, the right of way would remain relatively unaffected and could be enforced if necessary.
7. Schedule 2 Part 6 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits, among other things, the carrying out - on land used for the purposes of forestry - of development reasonably necessary for those purposes, including works for the erection of a building and 'other operations.' In this case the land is used for forestry and the drying and storing of wood resulting from the management of woodland can be considered to be a reasonably necessary forestry purpose.
8. The Council does not object in principle but concludes that the space occupied by the access track would not be able to be utilised for forestry purposes as it would have to be kept clear. Thus the building is seen not as a building necessary for the purposes of forestry but as unjustified and sporadic development in the countryside. This seems to me to be an unnecessarily harsh interpretation of the GPDO. The appellant makes it clear that the track area would be used for access by tractors with trailers, allowing undercover unloading, manoeuvring within the building and the transfer of dried wood across the track to the chipping area. These are forestry purposes essential to the operation of the enlarged building. It seems to me that this use of the track area within the building is not unlike any other track or right of way on a farm or forestry operation, likely to be used regularly by farm vehicles.
9. In my view there is sufficient evidence to show that the whole of the building is reasonably necessary for the purposes of forestry and is of a scale justified by the operational needs of the enterprise. It would extend an existing building within the forest site, so that in essence it would comply with policy ECD5 of the adopted Torridge District Local Plan. This provides the necessary justification for the building in the countryside; located on former wasteland within the forest it is well screened in public views so there would be no real conflict with Local Plan policies DVT2C, DVT6 and ENV6. I find that the development has no harmful impact on the open countryside.

Other matters

10. Residents of the dwellings to the south-east raise concerns about noise, dust and air pollution. Insufficient information on these matters led the Council to refuse the application on 2 further grounds, relating to a failure to mitigate against noise and air quality problems. The appellant has carried out some noise insulation work and has installed an extractor fan. The existing boiler emits a limited amount of wood smoke, which may increase (although it would hardly be out of place in a forestry site). However, these are essentially technical matters

which can be addressed by condition; indeed the Council suggests appropriate conditions.

11. Nonetheless, while I consider that reasonable measures should be taken to protect the living conditions of neighbours before the building is put into use, it should be borne in mind that the development effectively complies with the GDPO. As permitted development, no conditions would be imposed. It would therefore be inappropriate to impose overly stringent conditions on an equivalent planning permission. I consider that schemes of work to address noise and air quality should be submitted, such works to be sufficient to meet the objections. It is not necessary to impose a maximum noise impact level at this stage since that should be part of the noise assessment informing a scheme of works.
12. While not considered at application stage, the Council now indicates that the development would affect the setting of the listed Braddon farmhouse. The farmhouse is some 300 metres from the site, within its own secluded setting. With other buildings, farmland and forest between, the new buildings are well screened and are not visible from the farmhouse setting. I consider that the development has no impact on the setting of the farmhouse and no effect on its significance as a heritage asset.

Conclusions

13. Government policy encourages the production and use of renewable energy sources. In my view, this development does no harm to the countryside and, in accordance with a key government policy objective, would provide a useful contribution to support the necessary transition to a low carbon future in a changing climate. The living conditions of nearby residents can be protected. The development should therefore be permitted, subject to the conditions outlined above. Since the development has taken place in part, and work to the building has continued since the application, it will also be necessary to add a condition requiring up to date plans. It is necessary to limit working hours to protect the amenity of local residents. I have adjusted the wording of the suggested conditions to reflect the fact that the building has already been substantially constructed. On that basis, for the reasons given above, I conclude that the appeal should be allowed.

Colin Ball

Inspector.

ANNEX A

Schedule of conditions to be attached to the planning permission:

- 1) No further works shall take place until up-to-date plans have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved plans.
- 2) Before the use hereby permitted takes place, measures to mitigate noise from the premises shall be carried out in accordance with a noise assessment and scheme of works to be first submitted to and approved in writing by the local planning authority. All measures taken as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 3) Before the use hereby permitted takes place, equipment to control the emission of fumes and dust from the premises shall be installed in accordance with an air quality assessment and scheme of works to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 4) Operational hours shall be restricted to between 0900 and 1700 Mondays to Fridays and between 0900 and 1300 on Saturdays. No operations shall take place at any time on Sundays or on Bank or Public Holidays.