



Appeal Decision

Site visit made on 23 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/H2265/W/18/3218714

Wood Yard, Philpots Lane, Hildenborough, Tonbridge TN11 8PA

- 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 Mr E Simpson against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/18/01490/FL, dated 22 June 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the erection of a forestry storage building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt; and
 - If the proposal is inappropriate development whether the 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

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. New buildings for forestry, is listed as one of the exceptions.
4. The scheme proposes the erection of a new building which, it is described by the appellant, will be used to "provide dry storage with ventilation to allow timber to [dry] out so that it is a usable product and to provide secure storage for machinery". It is further explained that the timber is sourced from surrounding woodlands, not from within the site itself, and is brought to site. Before being stored in the building it would be cut into baulks of approximately 350 millimetres (mm) by 350mm and into lengths of 6 metres (m). Outer parts, including the bark, of the timber are removed.

5. The appellant contends that all of this work comprises part of a forestry operation, undertaken by a forester as part of forestry management. To my mind however, it would seem that this is more akin to a timber processing operation than a forestry one. I acknowledge that forestry processes may take place initially in order to produce the timber and that this would include the felling of the trees. However, the trees once felled are removed from a site and brought to the appeal site. Rather than simply being stored, the timber is subjected to processing, in the form of cutting, before being further processed by way of drying. As such, the operations taking place at the site would, in my view, be a follow up activity taking place after the actual forestry operations.
6. As a consequence, the building would not be used for the purposes of forestry, but rather as a timber processing facility. Thus, the scheme would not fall within the exception of paragraph 145 a).
7. If the scheme should fail to comply with the exception in relation to forestry buildings, the appellant contends that the exception provided by paragraph 145 g) should apply, namely the limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
8. Paragraph 133 of the Framework indicates that openness and permanence are the essential characteristics of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
9. Irrespective of whether or not the land can be considered to be PDL, the scheme would result in a new building of substantial size, 10m x 20m, with a height of 6m. This would undoubtedly result in a loss of openness of the site and consequently the Green Belt. I note that there is reference to the timber currently being stored in the open, together with machinery, however such storage is likely to be more transient and, as this would not comprise development, it is not comparable to the effect of a new building on the site. Thus, the scheme would not fall within the exception provided by paragraph 145 g).
10. Consequently, in light of the above, the scheme would fail to accord with the exceptions provided by paragraph 145 of the Framework. The proposal would therefore be inappropriate development, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The scheme would also conflict with Policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework – Core Strategy (2007), which states that national Green Belt policy will be applied.

Other considerations

11. There is reference to there being no scope of the development being provided elsewhere in the Green Belt if the scheme is considered to be inappropriate development. Furthermore, I note that the appellant cites that the building is necessary to facilitate his ongoing business, related to woodland management. However, it has not been demonstrated that this is the only location that would

be capable of accommodating the development and that no other, existing building cannot reasonably be utilised.

12. I also acknowledge the economic arguments put forward by the appellant, that he considers it uneconomic to provide or rent a building within an existing industrial estate. However, there is no substantive evidence before me in this respect. There is also reference to the possibility of constructing the building within an area of woodland that would still impact on the openness of the Green Belt. However, as I have found that the scheme before me would comprise inappropriate development, as it would not comprise a building for forestry, this has little bearing on my decision.
13. I note the contention that there is no specific policy within the development plan that would allow for the facilitation of infrastructure required to manage woodland. However, Policy CP14 specifically allows for development that is necessary for the purposes of forestry. As such there is provision within the development plan for facilitating such infrastructure. As such, this matter also has little bearing on my decision.

Other Matters

14. The decision notice, in addition to the matter of the effect on the Green Belt, refers to "visual harm to the rural amenity". However, I note that the Officer Delegated Report concludes that the scheme would not appear in any way obtrusive within the site or the wider area. Based on my observations, I have no reason to disagree with this stance in respect of the effect of the proposal on the character and appearance of the area.
15. Further reference has been made of the planning permission previously granted on the site for a pole barn. However, I have determined the scheme before me on its own merits having regard to relevant national and local planning policy and the current circumstances.
16. I am aware of a recent appeal decision¹ on the site which concerned an application in respect of prior approval, which concluded that prior approval was not required for a proposed storage building. However, I am conscious that the Inspector in that case highlighted that whether or not that scheme was reasonably necessary for the purposes of forestry, and therefore permitted development, was not a matter that he was able to consider. As such, that decision does not alter my findings above, that the building would not be utilised for the purposes of forestry.

Conclusion

17. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above. However, these, individually or when considered together, are not sufficient to amount to the very special circumstances necessary to justify the development. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with Policies CP3 and CP14 of the Tonbridge and Malling Borough Council Local Development Framework – Core Strategy (2007), which state that national Green Belt policy will be applied and that inappropriate

¹ APP/H2265/W/18/3205610

development in the Green Belt will need to be justified by very special circumstances.

18. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR