
Appeal Decision

Site visit made on 3 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/M0933/W/19/3241410

Woodland South-East of Spring Bank Road, Grange over Sands, Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Jamie Campbell against the decision of South Lakeland District Council.
 - The application Ref PN/2019/0019, dated 23 April 2019, was refused by notice dated 21 May 2019.
 - The development proposed is described as 'a bothy building for use in connection with forestry activity'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form refers to the supporting statement for the description of the development. The supporting statement describes the development as per the banner heading.
3. The application was made under Schedule 2, Part 6, Class E (Agriculture and Forestry) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for prior approval. I have determined the appeal accordingly. The Council refused the proposal on the basis that it was not reasonably necessary for the purposes of forestry and did not form part of a forestry unit. Therefore, the Council considered it was not 'permitted development'. Notwithstanding the Council's reason for refusal of the prior approval, the prior approval procedure set out under Part 6 Class E.2(1) of the GPDO makes no provision for any determination to be made as to whether the development would be permitted development and so I cannot purport to decide this question.
4. The requirements for prior approval are akin to a pre-commencement condition attached to the grant of permission by Article 3(1) of the GPDO. Were the building to be constructed not in accordance with the terms or conditions of the permission the building would be at risk of enforcement action.
5. Part 6, Class E.2(1)(a) of the GPDO, limits the matters to be considered to the siting, design and external appearance of the building. I have proceeded on this basis and in the interests of fairness and natural justice, I provided the parties with the opportunity to comment on these matters. Both parties have

provided further comments and I have taken these into account in coming to my decision.

Main Issue

6. Therefore, having regard to the above, the main issue is whether the siting, design and external appearance of the proposed building is appropriate to the character and appearance of the area.

Reasons

7. The appeal site is a small area of woodland accessed from Spring Bank Road, a narrow unclassified road which rises to the appeal site from Grange over Sands. The area's prevailing character is comprised of rolling open countryside containing agricultural land generally bordered by stonewalls or hedging interspersed with woodland areas or groups of trees and groups of farm buildings. The appeal site contributes positively to the landscape as a small wooded area raised above the surrounding land and prominent in views from the adjacent road and public footpaths.
8. The proposed building would be positioned towards the edge of the wood. Although the area is wooded the trees are well spaced and there are views into the site. Given the existing landform, spacing of trees and restricted size of the wood there is no obvious location for the building to sit comfortably without disturbing the wood's topography and tree cover. Further, due to the site's raised position, the building would be a prominent, intrusive and isolated feature in the landscape. As a consequence, it would appear as an incongruous feature at odds with the area's prevailing character.
9. The building would be constructed of limestone with a natural stone slate roof and concrete floor. The dimensions of the building are not unusually large or high for the stated use. During my site visit I noted that a variety of materials are used in agricultural buildings in the surrounding area. As such I find that the design and external appearance of the proposed building, of itself, would be acceptable.

Conclusion

10. While I am satisfied that the design and external appearance of the proposed building is acceptable, I find that its siting would be harmful to the character and appearance of the area.
11. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR