

Appeal Decision

Site visit made on 8 June 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/X0360/W/19/3243308

Land at Coombes Lane, Arborfield, Wokingham RG2 9JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under paragraph E.2 of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015, as amended.
 - The appeal is made by Ms Sara Saund against the decision of Wokingham Borough Council.
 - The application Ref 192803, dated 21 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is forestry storage shed.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Sara Saund against Wokingham Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The Council issued two separate decision letters on this application, the first deeming that prior approval is required and the second confirming that prior approval is required and is not given. The latter does not explicitly state that prior approval is refused. However, looking at the letter as a whole, including the reasons as set out, it is reasonable to read the notice as a refusal of prior approval. I have determined the appeal on that basis.
4. The local planning authority has challenged whether the proposed building would be reasonably necessary for the purposes of forestry and similar concerns are raised by interested parties. The prior approval procedure set out under Paragraph E.2 makes no provision for any determination to be made as to whether the proposal would be permitted development. Such a determination would be outside of my remit.
5. The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1) of the Order, and therefore development which is constructed not in accordance with the terms or conditions of the permission would be at risk of enforcement action. Where there is any doubt as to the lawfulness of development that has been subject to the prior approval process the lawfulness (or otherwise) of the development may be established through the submission of an application under Section 192 of the Act 1990 for which there exists a right of appeal.

6. The requirement for prior approval relates solely to the siting, design and external appearance of the proposed building. My assessment of the prior approval matters has to be made in a context where the principle of the development is not, itself, an issue. Notwithstanding the various concerns expressed by interested parties, no other matters are eligible for consideration.

Main Issue

7. The main issue is whether the siting, design and external appearance of the proposed building would be acceptable.

Reasons

8. The development would be located within an area of woodland to the south of Coombes Lane, a public byway connecting the southern end of Gravelpithill Lane with Bearwood Road in Barkham. The woodland has recently been added to Natural England's Ancient Woodland inventory and is covered by a Tree Preservation Order¹ which protects all trees of all species.
9. The appellant controls a parcel of woodland comprising 0.5 ha. The boundaries are not marked on the map submitted with the application for prior notification, but the approximate extents of the land were pointed out at the site visit. Much of the understory, which I understand included Rhododendron plants, has been stripped out, leaving the trees as the main landscape features. Notwithstanding the clearance works, the appellant's land makes a positive contribution to the character and appearance of the wider woodland of which it forms a part.
10. The proposed shed would be positioned approximately 60m from the byway and on lower ground. The submitted plan is indicative and does not identify the relationship of the building to trees. It is therefore impossible to draw any reliable conclusions regarding the appellant's assertion that no trees would be damaged or otherwise harmed. This weighs against the proposal.
11. The building would be single-storey and modest in footprint with timber clad walls and a dark bitumen felt tiled roof; these materials are compatible with the woodland setting. However, the large windows on the north and west elevations would give a domestic appearance which is uncharacteristic of a forestry storage shed. I note that the windows are intended to provide light, and that the siting away from Coombes Lane is deliberate to minimise the visual impact.
12. Some parts of the site are better screened than others. Nonetheless, based on the limited information before me, there is significant potential for the shed to be visible from public vantage points and in these views the design and external appearance of the building would appear incongruous and out of context with the natural woodland setting.
13. The Council raises additional concerns regarding the remote location of the shed in relation to the access track, which I have interpreted to mean the public byway. It could be argued that the building would be impractical due to the lack of vehicular access. However, that is a matter for the appellant and should not count against the scheme from a siting perspective.
14. Notwithstanding this, I conclude that the proposal is unacceptable in terms of its siting, design and external appearance.

¹ Tree Preservation Order 1684/2019

Conclusion

15. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR