
Appeal Decision

Site visit made on 15 June 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/J3720/W/19/3240659

Land at Binton Wood, Binton, Warwickshire CV37 9TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Freeman against the decision of Stratford on Avon District Council.
 - The application Ref 19/00233/FORNOT, dated 23 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is a new building.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Class E of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the carrying out on land used for the purposes of forestry of development reasonably necessary for such purposes, including works for the erection of a building. This is subject to various conditions as detailed in paragraph E.2, one of which states that for development consisting of the erection of a building the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
3. Further to details submitted under paragraph E.2, the Council were of the view that prior approval was required and subsequently refused this as they considered that the proposal would have an unacceptable impact in terms of siting, design and external appearance.
4. The main issue in this case is the visual effect of the proposed development having regard to its siting, design and external appearance.

Reasons

5. Binton Wood lies to the south of the small village of Binton and covers a reasonably large area of land fronting Main Road, and further to the south, the B439 Evesham Road. The appellant states that the woodland is managed primarily to provide high quality firewood, and consists of mostly deciduous

- trees, including ash, oak, beech, sycamore, alder and birch. Around 100 tonnes of thinnings are produced each year from the woodland.
6. The proposal seeks to construct an oak framed building clad in weatherboard with a slate roof. The building would measure some 14m by 6m to 7.5m, with a maximum height of some 5.5m. The store would have a short-hipped roof and central protruding gable at the front.
 7. The proposed building would be located some 29m along a rough track accessed from Main Road. On my visit this track was somewhat overgrown and seemingly little used, but it does connect with a more 'permanent' north to south forestry track to the west of the appeal site. The track is surrounded by dense woodland which at the time of my visit screened the appeal site from the road. The Council state that the appeal site is visible from the road during the winter months (with their visit taking place in February) but I have not been supplied with substantive evidence on this point. Given the distance from the road and the density of the surrounding woodland I consider the principle of the siting of a building in this location to be suitable.
 8. The appellant describes the main functions for the building as a secure indoor store for vehicles, equipment and machinery, and as an indoor store for dry split and bagged logs prior to delivery. An upper floor level would be used for the storage of more valuable items.
 9. The design and external appearance of the building could not be considered utilitarian in appearance, with the gable frontage, multiple openings, rooflights and slate roof providing a somewhat domestic air to the building. The appellant considers that the design more befits a sustainable forestry business, providing a greener more sustainable option than a typical modern steel framed building. However, there is no evidence of how or why a wooden framed and clad building with rooflights and various architectural detailing would be more sustainable than a more utilitarian steel framed building in the long term, for instance with regards to maintenance.
 10. The upper floor of the proposal would be accessed by a side door and staircase. This is described as to be used for the servicing of "small machinery (chainsaws etc)" in the appellant's statement, as a place where more valuable items would be stored in the application covering letter, and for record keeping (email to Council). It is stated that the upper floor would be harder to access and would allow for more time for the appellant to respond to any alarms denoting break ins at the building, with statements concerning various thefts which have taken place at the somewhat isolated woods over the years. Reference is also made to an upper floor being useful to limit the overall footprint of the building, reducing the need for foundations and avoiding damaging the roots of surrounding trees.
 11. I can appreciate that the upper level of the building could be more secure; however from the plans I have it appears that anyone wishing to gain access unlawfully to the upper floor would still only have 'one' door to break into and internal doors or secure stores could equally be provided at ground floor level if necessary. There is also little information over the extent of vehicles, equipment, machinery and wood storage required so as to necessitate the floorspace required for an upper floor in terms of the overall footprint of the building.

12. In terms of external appearance, the upper façade gable also appears to have no purpose; nor do the hay loft type upper openings on the eastern elevation or on the front elevation other than as architectural detailing. The Council also note that, in their view, the openings on the ground floor are too narrow for a forestry 4-wheel drive truck to access. Such openings are described as some 2.7m wide and they note that a domestic garage is some 3.15m wide. Given this and the lack of information provided on such vehicles, as well as the detailed spacing of internal support posts I agree that it is not clear that the building would be fully capable of housing the stated vehicles.
13. Taking all such points together, I am not convinced therefore that the building is designed for the purpose for which its physical layout and appearance fit in terms of appearance or function, or that the building is designed for the purposes of the forestry activities which might reasonably be conducted on the unit. The domestic air of the building would appear out of place within the woodland and detract from the surrounding area, despite its siting away from the public road.
14. I therefore conclude that the proposed development would have an adverse visual effect having regard to its design and external appearance, and for this reason prior approval should not be granted.
15. For the reasons given above, the appeal does not succeed.

Jon Hockley

INSPECTOR