



Appeal Decision

Site visit made on 8 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/P2935/W/20/3258334

Hiddel Brock Wood, Hyons Wood, Hedley on the Hill (Easting: 409726, Northing: 560465)

- 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) Order 2015 (as amended) (GPDO).
 - The appeal is made by Miss Abbey Scott against the decision of Northumberland County Council.
 - The application Ref 20/01800/AGRGDO, dated 7 May 2020, was refused by notice dated 25 June 2020.
 - The development proposed is prior notification for a proposed new building to provide storage for forestry tools.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO) for the siting, design and external appearance of a new building to provide storage for forestry tools at Hiddel Brock Wood, Hyons Wood, Hedley on the Hill (Easting: 409726, Northing: 560465) in accordance with the terms of the application Ref 20/01800/AGRGDO, dated 7 May 2020, and the plans submitted with it.

Procedural Matters

2. The description of development in the application form, appeal form, and decision notice differ. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice rather than the longer wording given on the application and appeal forms.
3. The Council consider the proposal to not constitute permitted development (PD). However, the prior approval procedure set out under Part 6, Class E makes no provision for any determination to be made as to whether or not the proposed development comes within the description of the relevant class, or would comply with the conditions, limitations or restrictions applicable to development permitted.
4. Instead, the requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1). In other words, development which is not constructed in accordance with the terms or conditions of a permission would be at risk of enforcement action.

5. In the interests of natural justice, the main parties have been informed of this and have had the opportunity to provide comments. As such, this decision does not purport to address the question of whether the development is PD.

Main Issues

6. Notwithstanding that the status of the development as PD is beyond my ambit, Part 6, Class E of the 2015 GPDO in respect of works for the erection of a building involves a determination of whether or not prior approval will be required as to the siting, design and external appearance of the building. Consequently, this is the main issue in my determination of the appeal.

Reasons

7. The appeal site forms part of a larger woodland within the Green Belt. A public right of way runs along its eastern boundary close to the surrounding agricultural land. The surrounding area is distinctly rural in character.
8. The proposed store would be positioned away from the public right of way. Given its small size, natural timber materials and green roof, along with the existing natural screening of the trees, even in the winter months there would be no harm to the surrounding woodland or rural area. It would, ultimately, be an innocuous looking structure in the woodland.
9. I therefore find the siting, design and external appearance of the proposed building to be appropriate in its context.

Conclusion

10. For the reasons given above, and subject to conditions as detailed in the relevant part of the 2015 GPDO, the appeal is allowed, and prior approval granted.

Robert Walker

INSPECTOR