



Appeal Decision

Site Visit made on 12 November 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2020

Appeal Ref: APP/H1033/W/20/3254731

Tom Wood, Whaley Bridge, Derbyshire SK23 7BP

- 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 GPDO).
 - The appeal is made by Mr Tom Williams against the decision of High Peak Borough Council.
 - The application Ref DET/2020/0008, dated 15 April 2020, was refused by notice dated 13 May 2020.
 - The development proposed is a shed for storing tools, wood and equipment needed to restore and manage the ancient woodland along the Toddbrook.
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Decision

1. The appeal dismissed.

Procedural Matters

2. On land used for the purposes of forestry, planning permission is granted for the erection of a building reasonably necessary for those purposes, under Part 6, Class E of the GPDO. The Council consider that due to its magnitude, the proposed shed would not be reasonably necessary for the task of restoring and managing the ancient woodland, and as such would not constitute permitted development.
3. However, the prior approval procedure set out under Part 6, Class E makes no provision for any such determination to be made. The question of whether or not the proposal is permitted development under the terms of Class E is therefore outside of my remit in assessing this appeal. Instead, my assessment is limited to considering whether prior approval should be granted for the siting, design and external appearance of the proposed building, in accordance with paragraph E.2 of Part 6.
4. The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1), and 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 fairness, both parties have been notified of this and given an opportunity to comment on matters of siting, design and external appearance. I have taken account of the responses received in my assessment of these issues.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the siting, design and external appearance of the proposed building.

Reasons

7. The appeal site, known as Tom Wood, is an L-shaped area of ancient woodland between Start Lane and Todd Brook. The site, which is the subject of a Tree Preservation Order, forms part of a larger area of woodland on hillside which forms part of the catchment of the Toddbrook Reservoir.
8. The principle of the development is not at issue here, nor are the effects of the proposed rhododendron clearance on flood alleviation. However, consideration of the size of the proposed building is relevant as part of any assessment of design and external appearance.
9. The proposed shed would measure approximately 3.6 metres wide by 7.2 metres long and, according to the submitted plans, would provide accommodation for tool storage, change facilities and space for drying. The appellant has also referred to the need for storage of quad bikes and chipper trailers. No further information has been provided about the equipment to be stored, but the area of woodland is not particularly large, and I note the comments of the tree officer regarding the limited amount of equipment likely to be needed for the proposed restoration works, which would not be a full time job and would take place over a four year period.
10. Even taking account of the need to store larger items such as a quad bike and trailer, I agree with the Council that the size of the proposed shed would be excessive in relation to the forestry purposes for which it is sought. Even though the shed would be well screened by surrounding woodland and the steep topography, it would be a substantial building in this sensitive rural location which is otherwise free of built development. The erection of the building and the associated engineering works to level the site, both for the building itself and occasional vehicular access to it, would alter the character of this area of rough grassland on the woodland edge, causing visual harm to the area.
11. I note the appellant's comments about the need to store equipment to minimise traffic and machinery in the area to avoid disturbing wildlife. However, I am unconvinced that the amount of equipment likely to be needed for the proposed restoration work would justify a shed of the size proposed and the associated harm to the rural character of the area.
12. The building would be of a simple design with a pitched roof, and would be constructed of Scandinavian redwood with a steel door, which would be appropriate in this context. The proposed siting of the shed, close to the edge of a field, would comply with government guidance which recommends a buffer of 15m from the woodland edge, and has taken account of the views of the Woodland Trust, who prepared the Ancient Woodland Assessment.
13. The siting of the building and the proposed materials would be acceptable. However, due to its scale, the design and external appearance of the building

would cause harm to the character and appearance of the area. For this reason, prior approval should not be granted for the proposed scheme.

14. I note the appellant's comments about a larger shed which was approved in Walker Brow wood nearby. I have not been provided with details of this case, but am not bound by other decisions of the Council and have assessed this proposal on its own merits. The location of the site in the Green Belt is not a relevant consideration when assessing applications for prior approval.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

R Morgan

INSPECTOR