



Appeal Decision

Site visit made on 16 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/C1760/W/21/3271481

**Bourne Wood, Rag Copse and Long Copse, Bourne Park Estate,
Little London, Bourne Wood SP11 6JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kelly Elliott against the decision of Test Valley Borough Council.
 - The application Ref 20/02731/FULLN, dated 5 November 2020, was refused by notice dated 11 February 2021.
 - The development proposed is described as follows "8ft x 8ft with 8ft ridge height Tool shed with covered log store either side, this has been erected for ongoing forestry management works."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the works were completed in October 2020. However, the appellant explains that the building was demolished following the Council's refusal of permission. On my site visit, I observed that the tool shed had been removed from the site, but that a covered log store remained. Therefore, I am considering this appeal as a part-retrospective development.

Main Issues

3. The main issues are:
 - whether the development adheres to the Council's strategy for development in the countryside, in the context of adopted policy; and
 - the effect of the development upon the character and appearance of the area.

Reasons

The Council's strategy for development in the countryside

4. The site forms part of a large woodland area within the countryside known as Rag Copse, which is an area of designated Replanted Ancient Woodland located to the north of Little London. Rag Copse has recently been subdivided into woodland lots, which have been sold as separate parcels of land. The appeal site is known as 'Bourne Wood' and comprises of a 2.02ha area of woodland located in north-west corner of Rag Copse, near to the A434 road.

5. It is proposed to erect a tool shed with a covered log store either side at Bourne Wood. The submitted plans show that the building would measure approximately 9.6m in width, which would comprise of a 4.8m log store section, a 2.4m wide shed and a 2.4m log store section. The building would be 2.4m deep and 2.4m high.
6. Policy COM2 of the Test Valley Borough Revised Local Plan DPD: Adopted Local Plan 2011-2029 (the 'LP') states that "Development outside the boundaries of settlements in the hierarchy will only be permitted if: (a) it is appropriate in the countryside, as set out in Revised Local Plan policy COM9-COM15, LE10, LE16-18 or; (b) it is essential for the proposal to be located in the countryside".
7. Paragraph 5.49 of the LP, which forms part of the supporting text of Policy COM2, explains that in some cases it is essential for a development to be located in the countryside. For example, occupational accommodation or the re-use of buildings.
8. The Council explain that none of the policies set out within criterion (a) of Policy COM2 are relevant to the proposal. This has not been disputed by the appellant. Consequently, it is necessary to determine whether the proposal would satisfy the requirements of criterion (b) of Policy COM2.
9. In this instance, the appellant explains that the proposed building would be used for on-going forestry management works associated with Bourne Wood. Whilst this may be the case, no substantive evidence has been put forward by the appellant to demonstrate that the erection of the proposed building is an essential requirement associated with the management of Bourne Wood.
10. For instance, no technical information has been provided to demonstrate that the extent of deforestation and other forestry works necessary to support a large log store and tool shed would occur at the site. Indeed, the woodland plot is relatively small at 2.02ha and lies within an Area of Replanted Ancient Woodland. In such areas, the Council explain that a large amount of storage for logs is unlikely to be required.
11. The appellant has drawn my attention to a similar development located within Rag Copse. The Council explain that the building was constructed as permitted development, pursuant to an application¹ for prior approval which was made to the Council by virtue of the provisions of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO 2015'). This has not been disputed by the appellant.
12. However, I am not aware of the particular circumstances in relation to this case. Nevertheless, given that the principle of development was established by the GPDO 2015, in determining whether the proposed works were permitted development, the issue of whether or not the development would be in accordance with LP Policy COM2 was not a matter for the Council's consideration.
13. In the absence of any substantive evidence, I am unable to conclude that it is essential for the proposal to be located in the countryside. Consequently, I cannot conclude that the proposal would accord with Policy COM2 of the LP.

¹ Council Ref: 20/01878/AGNN

Character and appearance

14. Rural woodlands, including Replanted Ancient Woodland, such as Rag Copse, are predominately devoid of buildings and the lack of structures contributes to the intrinsic character and beauty of the countryside.
15. The proposed development would be situated within Bourne Wood, away from the woodland edge. However, on my site visit, I observed that the structure would be partially visible from a Public Right of Way (PRoW), which runs along the northern edge of Rags Copse. Consequently, the presence of the building would be readily perceived by users of the PRoW, and, when viewed in the context of the surrounding woodland, the tool shed and log stores would appear as an incongruous and unduly prominent form of development.
16. As such, I conclude that the proposed development would cause significant harm to the character and appearance of the area. Therefore, the proposal would not accord with Policy E1 of the LP which states that development should be of a high quality in terms of design and should integrate, respect and complement the character of the area in which the development is located in.
17. The appeal site is located within the North Wessex Area of Outstanding Natural Beauty (the 'AONB'). Given the minor nature of the proposed development, and, taking into account the fact that the harm which would arise to the character and appearance of the area would be localised, I am satisfied that the proposal would conserve the landscape quality and natural beauty of the AONB. Nevertheless, a lack of harm in respect of the AONB, is a matter of neutral consequence and does not carry weight in favour of the proposal.
18. The appellant explains that they have made improvements to the PRoW footpath, which benefit the character and appearance of the area. Whilst this may be the case, these works do not form part of the current proposal. Therefore, this is not a determinative point in this appeal.

Other Matters

19. I note that no objections were made by the Parish Council. However, this does not alter my conclusions on the main issues.
20. The appellant explains that they were advised by the former landowners that they could erect a building for forestry purposes at the site and then retrospectively notify the local planning authority to register the building under permitted development. However, this is not the case, Condition E.2.(1)(a) of Schedule 2, Part 6, Class E of the GPDO 2015 states that "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". If the appellant was given incorrect professional advice, this is a separate legal matter, which falls outside of the scope of this appeal.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell
INSPECTOR