



Appeal Decision

Site visit made on 28 April 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 JULY 2021

Appeal Ref: APP/Z3825/W/21/3268540

Priory Fields, Kithurst Lane, Storrington

- 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 Philip Orpwood of Nobertine Order against the decision of Horsham District Council.
 - The application Ref DC/20/2377, dated 22 November 2020, was refused by notice dated 05 February 2021.
 - The development proposed is resurfacing existing access drive.
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Decision

1. The appeal is allowed and prior 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) for resurfacing existing access drive at Priory Fields, Kithurst Lane, Storrington in accordance with the application Ref DC/20/2377, made on 22 November 2020 and the details submitted with it.

Preliminary Matters

2. It is not clear whether the plans before me are those on which the Council based their decision. However, the drawings correspond with the scheme described in the evidence, therefore I am satisfied that these drawings are broadly similar to those on which the Council based its decision, and upon which interested parties were consulted. Furthermore, these plans were submitted with the appeal scheme and the Council has not raised any objection to their inclusion in this appeal. For the reasons above, the parties would not be prejudiced if I were to consider these plans, and therefore the appeal is assessed on the basis of the drawings submitted with the appeal.
3. I note that there are other appeals made by the appellant on nearby sites. For the avoidance of doubt, I have determined these appeals on their individual merits.

Main Issues

4. The original application was to determine if prior approval was required for the siting and means of construction for the formation, alteration, or maintenance of a private way on land used for the purposes of forestry. Based on the evidence before me and most recent case law I am also bound to consider and determine whether the development otherwise falls within the definitional

scope of the particular class of permitted development. I have determined the appeal on this basis.

5. Because this is an application for prior approval, the provisions of the 2015 Order require the local planning authority to assess the proposed development solely on the basis of its siting and means of construction. The appearance of the access is not a matter for my consideration. This appeal will be determined on the same basis.
6. The main issue is therefore whether the proposed development is reasonably necessary for the purposes of forestry and the effect of the siting and means of construction on the surrounding area.

Reasons

Reasonably necessary

7. Afforestation has occurred in Birklands Field and Kithurst Field, including the planting of several hundred trees and over a hundred hedgerow whips. The reason for the planting is to create an ecological wooded area. I saw the planting that has already occurred on this land and Matt's Wood nearby. The proposed development would serve further tree planting on this land, albeit I am not provided with detailed information as to the extent of the future planting or maintenance. Nevertheless, there is no dispute that its purpose would be for forestry.
8. The implementation of the existing consent to surface this access drive in crushed stone, and the use of the existing driveway are alternative possibilities. Both of the existing accesses are steep. Nevertheless, the access that is the subject of this appeal is closer to Birklands Field and would provide a surface which would be less likely to spill onto Kithurst Lane. It is therefore understandable why the appellant might choose to resurface this drive in the material proposed and taking this this course of action would not be far-fetched or unreasonable.
9. Consequently, in this regard, the proposed development would be reasonably necessary for the purposes of forestry and therefore would be permitted development by virtue of Schedule 2, Part 6 Class A of the Order. As such the works are not temporary but can be retained in perpetuity.

Siting and means of construction

10. The submitted annotated plans show the siting in the position of the existing grassed gated entrance to the field, with a width of between 3.8-5m, and a length of 12m plus a 5m x 5m area for turning and unloading. The details also show a 10cm grasscrete finish with a total depth of up to 21cm of sand, geotextile sheet and hardcore sub base. This provides me with adequate certainty as to the siting and means of construction sought.
11. No works are proposed to the hedgerow, and the submitted details show that the proposed means of construction would be permeable. There is no substantive evidence as to how the proposed development would be otherwise harmful to drainage or trees. Consequently, the siting or means of construction would not result in unacceptable harm to surface water drainage or to arboriculture. This is not a temporary permission, and the fact that the

proposed means of construction would create a permanent access would be acceptable.

12. Whilst there may be some disruption to users of Kithurst Lane during construction, this would be temporary. Nor am I provided with detail that the access would not be suitable for the types of vehicles that would use it.
13. Therefore, the proposed siting and means of construction would not have a harmful effect on the surrounding area.

Other Matters

14. This application seeks prior approval for matters relating to the alteration of a private way on land used for the purposes of forestry only. Any theoretical future use of the access for residential purposes would be considered on its own merits.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted. The Order requires that the development must be carried out within the time period specified in Class E and in accordance with the details approved. For the avoidance of doubt, the approved details are the Site Plan OS, Site Plan Google, Topographical Survey, Topographical Survey with proposal marked on, Construction drawing with photograph of finish.

H Miles

INSPECTOR