



Appeal Decision

Site Visit made on 18 August 2021

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 27th August 2021

Appeal Ref: APP/D1265/C/20/3263942

Land lying to the East of Uddens Drive (Plot 7 Woodcraft Activities), Red Bridge, Wimborne, BH21 7BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr K Forward against an enforcement notice issued by Dorset Council.
 - The notice, reference ENF/17/0152 was issued on 2 November 2020.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of woodland to a mixed use of land for forestry and commercial woodcraft activities comprising the erection of buildings and structures.
 - The requirements of the notice are: (1) Cease to use the land for woodcraft activities; (2) Dismantle and remove all buildings.
 - The period for compliance with the requirements is: 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed insofar as it relates to the retention of the open fronted store and compost toilet; and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the open fronted store and compost toilet at land lying to the East of Uddens Drive (Plot 7 Woodcraft Activities), Red Bridge, Wimborne, BH21 7BH.
2. It is directed that the enforcement notice is corrected by deleting "comprising" from the allegation and replacing it with "including". Subject to this correction the appeal is dismissed and the enforcement notice is upheld insofar as it relates to the material change of use and any other buildings on the land and planning permission is refused in respect of the material change of use of woodland to a mixed use of land for forestry and commercial woodcraft activities comprising the erection of buildings and structures at land lying to the East of Uddens Drive (Plot 7 Woodcraft Activities), Red Bridge, Wimborne, BH21 7BH on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Applications for costs

3. An application for costs has been made by the appellant and is subject to a separate letter.

Background to the Appeal

4. The various plots of land once formed part of a larger holding that sits to the east of Redbridge and through which flows Uddens Water, a small stream. The road ends at Redbridge and turns into a track and bridleway heading north, but there are no roads or rights of way on or particularly near the land which is isolated and quiet. It consists mainly of a large clearing of pasture surrounded by thick woodland. Several of the plots consist of a mix of woodland and pasture, several are open pasture but the appeal site is entirely woodland.
5. At the date the statement of case was prepared in February 2021 Mr Forward was in the process of purchasing the plot but had access to it from at least 2017 as the owner was his brother in law and he had shooting rights over the whole area for many years.

The Notice

6. The allegation says the material change of use 'comprises' the erection of buildings and structures. This suggests it is the buildings and structures that solely form the material change of use. In fact they comprise part of the material change of use. to make this clear I shall correct the notice to replace "comprising" with "including". There will be no injustice to either party in doing so as it does not change their arguments, but I have a duty to make the notice accurate.

The Appeal on ground (c)

7. This ground is that the matters as alleged have not occurred. The allegation is a mixture of uses and operations. The use is the change to commercial woodcraft activities and operations are the erection of buildings in association with that use. Dealing with use first, Mr Forward does not deny that he has a business called Marshfield Rustic Woodcrafts and he makes bespoke woodland products such as bird and bat boxes, benches, seats, small storage structures and other products. He describes this as a hobby business and his main employment is as a builder. The use of the site for woodcraft activities is confirmed by Mr Forward's letter to the Council and their photographs from site visits in 2017 and 2018 when it is clear a considerable amount of work was going on. The centre of the site had been cleared and new benches, seats a small shed and various wood sculptures had been made, as well as the erection of a storage shed clad in wooden shingles and a fenced-in chicken run.
8. By February 2020 the photographs show less activity. There are still some manufactured woodland products on site along with the covered storage shed and a single photograph from September 2020 shows the covered shed and piles of stored logs as well as a trailer with logs and planks of wood, clearly brought onto the site from elsewhere.
9. The appellant accepts all this, but his argument is that by the time the notice was issued – November 2020 – all the craft activity had ceased. To that end he provides a face book page which shows he was making bird boxes at home on Boxing Day 2020.
10. When I visited the site the storage shed had been stripped back to its bare wooden outline and there was a small compost toilet in the woods. Otherwise there were piles of logs around and Mr Forward showed me where he had been cutting up old trees that had fallen to keep the drainage ditches open and as

part of his general woodland management. A small hen house was still there but that was unused and the chicken run had been dismantled and removed. There was no evidence of any woodland craft activities at all.

11. Managing woodland and using the timber from that woodland to make wooden structures is part of a lawful forestry activity, but the appellant accepts he went further than this, importing timber to the site to work on. Judging by the scale of the activities shown in the photographs, including the chicken run, there had been a clear material change of use from forestry to a mix of recreational and commercial woodcraft activities. The question is therefore whether that use had ceased and a sole forestry use recommenced by November 2020. I think it is fair to say the non-forestry activities had certainly declined by then, but there is no real evidence they had ceased altogether. The facebook page merely shows that bird boxes were made off-site, and then after the date of the notice. In my view the appellant has not shown on the balance of probabilities that the uses as alleged had ceased by the date of the notice.
12. Turning to the buildings it seems clear by the date of the issue of the notice only the storage building and compost toilet were left on site. Neither had been in place for 4 years or more and there is no suggestion to the contrary. They could have been permitted development under Class E of Part 6 of schedule 2 of the General Permitted Development (England) Order 2015, which allows the construction of buildings for forestry purposes subject to certain restrictions and conditions. However, I have already concluded there was a mixed use on the site at that time and in any event prior approval is required for such buildings and none was sought. The buildings were thus unlawful and the ground (c) appeal fails.

The Appeal on Ground (a)

13. This appeal is limited to the storage building, although it seems clear to me the appellant meant to include the compost toilet as well. The appeal assumes the use of the land is for forestry purposes only with some de minimis recreational use, which is what Mr Forward says he wishes to use the land for and which use would seem to have by now re-commenced.
14. The site lies in the green belt but buildings for agricultural or forestry uses are not inappropriate development. I agree with the appellant that some form of storage and shelter is required while he works on the land. It is only a small plot, but nevertheless it requires some equipment and tools to maintain and it is not unreasonable to have a shelter from the elements and a compost toilet. As I saw both buildings were modest structures, built out of wood which blended into the woodland background. I can find no objection to them on green belt or character and appearance grounds so they also fulfil the requirements of policy HE3 to protect and enhance the landscape character.
15. The fact the appellant lives nearby and could bring tools and equipment to the site in a vehicle is of little relevance. The buildings are small scale and harmless, the appellant does not need to make out a special case for having them. To that extent the appeal on ground (a) succeeds. No conditions are required as the buildings already exist.

Conclusions

16. I shall allow the appeal on ground (a) insofar as it relates to the open fronted store and the compost toilet, but otherwise I shall dismiss the appeal and uphold the notice to cease the use and remove the buildings. The grant of planning permission for the store and toilet will override the requirements of the notice that affect them. As most of the offending buildings have already been removed there is little the appellant needs to do, but the notice remains live to prevent their return.

Simon Hand

INSPECTOR