



Appeal Decision

Site visit made on 8 November 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/T0355/W/22/3302062

Long Lane Farm, Ascot road, Holyport, Maidenhead SL6 3LG

- 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 Mr George Bouldon against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03289/FULL, dated 3 November 2021, was refused by notice dated 16 June 2022.
 - The development proposed is the demolition of the existing woodshed and the erection of a replacement to be used for forestry and agricultural use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the living conditions of occupiers of neighbouring dwellings, with regard to outlook and noise; and
 - If the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The site is a modest parcel of land within the Green Belt. It is located within Long Lane Farm but has been severed from and is under separate ownership to the Farm. At the time of my site visit it was an open area surfaced in gravel and compacted earth, containing a few skips, storage containers and a mound of rubble. The existing structure referred to as the woodshed was partially open and predominantly contained building materials. The site is bounded by an existing farm building/workshop to one side, dwellings on two sides and open to fields on the remaining side. The surrounding area is predominantly in agricultural use.
4. The proposal would add a large new building to the site. It would be adjacent to the existing farm building/workshop outside of the site, which forms part of the farm complex.

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. In line with this, Policy QP5 of the Borough Local Plan 2013-2033 (adopted February 2022) (BLP) specifies that planning permission will not be granted for inappropriate development in the Green Belt, unless very special circumstances can be demonstrated. It defines inappropriate development and the exceptions which would not be inappropriate by reference to the Framework.

Whether or not it is inappropriate development

7. Framework paragraph 149a specifies new buildings for agriculture and forestry as one of the Green Belt exceptions. I am aware of relevant case law¹ and acknowledge that 149a does not specify limiting criteria relating to size or any other matters. If a proposed building is for agriculture or forestry, it would not be inappropriate development. Therefore, whilst the size of the building proposed under this appeal does not need to be justified, it is necessary to establish that the building would be for forestry.
8. The Design and Access Statement says the "proposed use of the site is for forestry-related activities" required due to the "new business". The building would be used to "store tractors, forestry equipment, logs and much more", as a "drying barn for timber" and for the "processing of timber from both onsite and offsite sources, as well as ancillary processing activities such as sawmilling and chipping". The site would be the base for two members of staff with the appellant's forestry activity described as "forming and cultivating others' forests, management of growing timber and clearance of timber and undergrowth, generally for timber production".
9. No substantive information has been provided on where the stated cultivating and management of forestry would take place, where timber would be sourced from, the scale and nature of any such sites or their proximity to the appeal site. While 'onsite' sources of timber are stated, it was clear from my site visit that there is no forestry on the site and no forestry in the surrounding area. Therefore, timber would not be sourced from within the site itself but would be brought to the site from elsewhere.
10. The appellant has provided a copy of brief correspondence from a few people referred to as future clients. The services described include removal of fallen trees, some tree felling, tree maintenance and log cutting. No contracts or financial information has been provided and there is no clear evidence to indicate the scale or frequency of any such work.
11. On the basis of the evidence before me and given the location of the site outside of any forestry, the proposed business would seem more akin to a tree surgeon or a timber processing operation than a forestry business. I acknowledge that in some instances forestry processes may take place initially, including the felling of trees in order to source timber.

¹ Including *R (Lee Valley Regional Park Authority) v Epping Forest District Council* [2016] EWCA Civ 404, and *Hook vs SSHCLG* [2020] EWCA Civ 486

12. Despite this, the trees once felled would be removed from a location elsewhere, potentially some distance from the site, and transported to the appeal site for processing, in the form of cutting, chipping and drying. As such, the operations taking place at the site and in the building would, in my view, be follow up activities taking place after the actual forestry operations. As a consequence, the building would not be used for the purposes of forestry, but rather for timber processing and storage.
13. I have been provided with no substantive evidence which would lead me to conclude that the proposed building would be for forestry. Therefore, the proposal would not benefit from the exception set out under Framework paragraph 149a. Hence it would be inappropriate development in the Green Belt. Despite the building proposed to be sited near other similar buildings, inappropriate development in the Green Belt is, by definition, harmful and should not be allowed except in very special circumstances. It would also be contrary to Policy QP5 of the BLP.

Living conditions

14. There are dwellings² in close proximity to the site. The proposal would add a large building which would be visible from these dwellings. However, as it would be viewed within the context of existing buildings of a similar appearance, and the separation distance would be reasonable, the impact on outlook would not be significant.
15. Activities such as sawmilling and chipping, along with the loading and unloading of wood within the proposed building, would inevitably generate noise. Not only would this increase overall noise levels, but the nature of this noise would be materially different to that likely to be generated by the existing primarily agricultural activity in the surrounding area. This would have a detrimental impact on the living conditions of neighbours. A condition could be imposed to restrict the hours of noisy activity within the building. This would limit the noise disturbance to specified times but would not reduce the impact sufficiently to make the proposal acceptable.
16. I note the support for the proposal from the occupant of one of the dwellings close to the site. Despite this, the proposed building, and its use, would remain even if the current dwelling occupant moved, so this is not sufficient to outweigh the harm.
17. I conclude that the proposed development would cause unacceptable harm to the living conditions of occupiers of neighbouring dwellings with regard to noise. Consequently, the development would not comply with Policies QP1 and QP3 of the BLP which require development to positively contribute to the place they are located and have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties.

Other considerations

18. The proposal would provide a building to support the growth of a new rural business. I acknowledge the support for the rural economy provided by local and national policy, but the proposed business is new and its scale unclear, so I can afford this consideration only limited weight.

² The Council officer report identifies The Farmhouse and The Studio. Representations state that Long Lane Cottage is a separate dwelling, attached to The Studio.

Other Matters

19. The Design and Access Statement refers to the site as being laid to concrete hard standing and considered to be previously developed land. At the time of my visit the site was surfaced in gravel and compacted earth. The site was last occupied by an agricultural use, which the Framework excludes from the definition of previously developed land.
20. The appellant refers to the proposal as a replacement store. However, the scale of the proposed building is significantly and materially larger than the existing woodshed. In addition, the submitted 'site layout as proposed' drawing shows the woodshed still in place along with the new building on the. The proposal cannot therefore be considered as a replacement building.
21. I have considered the proposal as a new building, rather than a change of use. Other business operations of the appellant, which have no connection to this site or proposal, have not been taken into consideration.

Planning Balance and Conclusion

22. The proposal would be inappropriate development in the terms set out by the Framework and Policy QP5 of the BLP and would therefore be harmful to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The other considerations in this case, even when all factors are combined together, and other matters, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Therefore, the appeal is dismissed.

Helen Davies

INSPECTOR