



Appeal Decision

Site visit made on 23 January 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/P2935/W/22/3309229

Ochre Wood, Dilston, Northumberland NE45 5RL

- 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 Paul O'Halleron against the decision of Northumberland County Council.
 - The application Ref 22/01100/FUL, dated 21 March 2022, was refused by notice dated 17 August 2022.
 - The development proposed is described as "Timber structured shed, set on 6 blocks, so there is no permanent footprint. This building is for the storage of tools and equipment required to maintain the woods, and also to maintain the culverts, of which there are two, that help to drain the surrounding woodland, and prevent flooding."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A timber shed has been built. There is some disparity between the constructed shed and that shown on the plans, the arrangement of the windows and door on the front elevation differs. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether or not the appeal site provides a suitable location for the development having regard to local and national policies for development in the open countryside; and
- The effects of the development upon highway safety having particular regard to the access arrangements and parking.

Reasons

Green Belt

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The Framework identifies that the Green Belt serves five purposes which include,

but are not limited to, safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas. Policy STP7 of the Northumberland Local Plan, 2022 (LP) outlines the strategic approach to the Green Belt within the County and reflects the same five purposes within the Framework.

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Policy STP8 of the LP applies to development proposals within the Green Belt and reiterates the advice of the Framework, amongst other matters offering support to proposals which would not constitute inappropriate development. Exceptions in paragraph 149 include buildings for forestry.
5. Although the permitted development rights under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, (the GPDO) apply only in those instances where a development is reasonably necessary for the purposes of forestry, this appeal relates to an application for planning permission. The requirements of the GPDO, or any tests ordinarily applied to determine whether a development would constitute permitted development, do not apply in this section 78 appeal, and are therefore not determinative in my assessment of whether the development proposed constitutes inappropriate development in the Green Belt. I note the reference to an appeal decision¹ made by the Council, but the full details of that case have not been submitted in evidence and I cannot therefore determine the extent to which it has similarities or differences with the appeal case. In such circumstances I cannot attribute any meaningful weight to it in my decision.
6. To comply with the exception at paragraph 149 a), the building subject of the appeal must be for forestry. The term forestry is not defined within the Framework nor is it specified whether or not the forestry operations the building relates to must be commercial ones. The Council have provided a dictionary definition of forestry, that being "*the science or practice of planting, managing and caring for forests*" and reference a number of activities which, in practice, forestry could include, the scope of which I consider to be reasonable and with which I have no reason to disagree.
7. The appellant has put to me a range of operations which are undertaken as part of managing the woodland, this would include cutting and storing timber and clearance works. Such activities amount to forestry, and they would require the use of tools.
8. The site may not benefit from a Tree Felling Licence and whilst this may place limitations upon the appellant, including the quantity of timber that could be felled, it does not mean that operations involved in the management and caring of the woodland do not take place.
9. The evidence before me does not firmly indicate that the building would not be used for forestry. In turn, I find that the development would not be

¹ Planning Appeal Reference: APP/J9497/X/10/2127979

inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies.

Location of the development proposed

10. The appeal site is isolated from any settlement and set amongst woodland within the open countryside.
11. Although I have already concluded that the shed is for forestry, on the basis of the evidence before me, its use would not be linked to any business or commercial operations. Although the appellant has put to me their aspirations that the woodland they own could be used for the likes of educational purposes and also put to me that benefits would arise therefrom, this is not taking place at present. I have very limited detail before me on this potential business venture and the description of the development makes no reference to it. On this basis, no new business is before me, planning permission is sought only for the shed for forestry.
12. Criteria g and h of Policy STP1 of the LP set out the circumstances where development within the open countryside will be supported. A forestry shed unrelated to a forestry business does not comply with any of the forms of development permissible under criterion g, which includes, but is not restricted to, that which supports the growth of an existing business or formation of a new one, or which diversifies an existing land-based rural business. I have no reason to conclude that the development is supported by a made neighbourhood plan, as required by criterion h.
13. In the first main issue I have already acknowledged that some management of the woodland which constitutes forestry will be taking place. Such management may well also extend to keeping the area safe for any persons using or passing through the land. However, it has not been shown to me that the shed proposed is a necessary requirement for this to take place nor that the extent of woodland management required is of a scale or frequency that bringing the requisite equipment to and from the site would not suffice. Therefore, I find no justification for the shed which outweighs the conflict with Policy STP1 of the LP.
14. It has also been put to me that the shed proposed is not particularly large in scale and has limited public visibility. The isolated siting of the proposed shed coupled with its size and appearance does provide some mitigation. Nevertheless, this does not alter that the development conflicts with the development plan's spatial strategy and the open countryside has intrinsic value which would be harmed by the building.
15. Consequently, the appeal site does not provide a suitable location for the development proposed. Within an open countryside location, the development proposed conflicts with the requirements of Policy STP1 of the LP.

Highway safety

16. The appeal site encompasses an access track which meets an existing access junction with the B6307. The access track is gated, and this gate is set back from the carriageway.
17. During my site visit I noted that the appellant had parked in a location off the access track, away from the B6307, relatively close-by to the location of the

shed. The plans, however, do not depict this parking area, albeit there is a reference to such a parking area within the appellant's statement. Details of the number of vehicular movements associated with the access, including those which derive from any neighbouring woodland plots are not within the evidence before me.

18. However, the description of the development makes no reference to any new or altered access or parking arrangements being proposed, planning permission is sought for the shed only. Whilst I also note that the Highway Authority state that the site has no current use, I have no substantive evidence before me that forestry operations cannot take place at the site. Given this and given that I have already concluded that the shed is for forestry operations, I have no reason to conclude that the development would result in any increase in vehicular movements of any significance. Furthermore, there is no disagreement between the parties on how vehicles access the site from the B6307, that the access is existing, whilst I have no substantive evidence before me which demonstrates that the access is unsafe.
19. Therefore, I find that the development would result in no harmful effects upon highway safety having particular regard to the access arrangements and parking. It follows that the development would accord with Policies TRA2 and TRA4 of the LP. In summary, and amongst other matters, these policies state that developments are required to provide effective and safe access and egress to the existing transport network and ensure an appropriate amount of off-street vehicle parking sufficient to serve the new development. The development would also accord with advice within the Framework, including at paragraphs 110 and 111 which state that developments should ensure that safe and suitable access to the site can be achieved for all users whilst development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

20. I note the appellant has expressed concerns and frustrations with the service which they have received from the Council, however, this is unrelated to the merits of the case.
21. The appellant states that the Council have accepted that other buildings in the area, including those larger than the proposed shed, constitute permitted development and do not require planning permission. However, the precise details of these cases are not before me and, therefore, I cannot draw any accurate comparisons between the circumstances of those cases and the appeal scheme. The appellant also states that there are two other buildings nearby which they state they would be prepared to remove but the appeal scheme relates to the shed and no works, demolition or otherwise, to other buildings, are shown on the plans. Accordingly, these matters have very limited bearing on my decision.
22. The appellant has also put to me that they may be able to place a caravan on the land, but I have no substantive evidence before me to suggest this option would be pursued nor do I have conclusive evidence that this would not require planning permission.

23. The development may cause no ecological harm, nor the site suffer from any drainage or flooding problems, but this lack of harm is neutral in the planning balance and does not outweigh the harm I have identified in respect of the second main issue.

Conclusion

24. Whilst I have concluded that the proposal would not constitute inappropriate development within the Green Belt, nor cause unacceptable effects upon highway safety, this does not outweigh the harm that would be brought about by the location of the development within the open countryside having regard to the development plan's spatial strategy.
25. The development therefore conflicts with the development plan and there are no material considerations of sufficient weight to indicate a decision other than one in accordance with it. Therefore, the appeal is dismissed.

H Jones

INSPECTOR