



Appeal Decision

Site visit made on 31 January 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/M9496/W/22/3297533

One Acre Wood, Glossop Road, Little Hayfield SK22 2NR

- 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 and Mrs Senior against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0321/0372, dated 23 March 2021, was refused by notice dated 28 October 2021.
 - The development proposed is originally described as 'retention of the existing building for use as an ancillary recreation/forestry building and the removal of existing two timber buildings.'
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a building for ancillary recreation/forestry use and the laying of hardstanding at One Acre Wood, Glossop Road, Little Hayfield SK22 2NR, in accordance with the terms of the application Ref NP/HPK/0321/0372, dated 23 March, subject to the conditions set out in the attached schedule.

Background

2. The appellant has owned and used the woodland with his family for some 17 years. From the submitted evidence, including photographs, a timber building did exist on the site, but in February 2017 was taken down to facilitate emergency engineering works to deal with an underground culvert. Afterwards, a different timber building (hereafter the 'Timber Building' as annotated on the submitted plans) was erected and it is this building that is the subject of the appeal before me.
3. The Peak District National Park Authority (the Authority) issued an enforcement notice in March 2020 for the alleged erection of a dwelling and change of use of the land from an agricultural use to a mixed residential and agricultural use. The enforcement appeal¹ Inspector found the Timber Building comprised a bathroom, kitchen area, sitting area/living space and upstairs area where people could sleep although it was not possible to stand and there were no beds. The building did not have running water; electricity came from the on-site generator and a small wind-turbine, and there were gas tanks. I found this to be the case on my visit.
4. On examination of the evidence, the enforcement Inspector corrected the enforcement notice to state that the existing use of the land was mixed forestry and recreational use and that there had been a material change of use to a

¹ Appeal ref: APP/M9496/C/20/3250054 dated 30 October 2020

mixed residential and forestry use. The appeal was dismissed and the enforcement notice was upheld to require the demolition of the dwelling (the Timber Building), removal of hardstanding areas and cessation of the residential use.

5. The appellant has subsequently submitted a planning application to retain the Timber Building, but not as a dwelling. Instead, it would be as an ancillary recreational/forestry building with the removal of various domestic features from the Timber Building and the land, such as the kitchen units, shower and wash basin and patio slabs, and to use the site for forestry and recreation. The planning appeal before me stems from the Authority's refusal of that application.

Preliminary Matters and understanding the Proposal

6. There are a number of discrepancies between the description of the development in the banner heading above and what is described in the appeal statement and what is shown on the submitted plans. This needs addressing in order to fully understand what planning permission is being applied for and hence what planning permission is being granted for in paragraph 1 above.
7. I saw on my site visit that the Timber Building and a number of sheds have already been erected on the site, and various areas of hardstanding (Grasscrete and paving slabs) have been laid. There was also timber fencing, timber rails and steps.

The Timber Building

8. The appellant wants to keep the Timber Building and obtain planning permission for it, albeit retrospectively and with alterations made to it. However, 'retention' is not a definition of development, so I have removed it from the description of development. The development would be more appropriately described as 'erection of timber building for use as an ancillary recreation/forestry building'.
9. To cease the use of the Timber Building as a dwelling, the proposal would involve removing the kitchen (but keeping the sink) and removing the shower and wash basin (but keeping the toilet). The proposal would also involve external alterations to the building by removing the patio doors on the east elevation of the Timber Building and replacing with a window, as well as replacing the partially glazed front door with a solid timber one. Sliding timber shutters would be installed over the window openings. Outside, the timber handrails, timber fencing and steps from the slabbed patio area would also be removed. These works and removal of items/features can be secured by condition and need not be included in the description.

Other buildings

10. The description above also refers to the removal of "two existing timber buildings". The appellant describes them as being 'adjacent to the access track'. The existing site plan 2004-01 Rev C annotates them as a 'domestic timber shed' (shown closest to the access) and next to it an 'open-sided log store'. I saw two such buildings in the locations described.
11. However, proposed site plan 2004-02 Rev D shows only the domestic timber shed would be removed from the site, although immune from enforcement, and

the open-sided log-store would remain. The Authority's suggested conditions refer only to the removal of 'the shed' in the singular, and from the officer report this refers to the 'domestic timber shed'. Therefore, there does not appear to be a second timber building to be removed, only the domestic timber shed. However, the removal of the domestic timber shed can be secured by condition and need not to be included in the description of development.

Hardstanding

12. The historic site layout plan shows there were previous areas of concrete and tarmac hardstanding that served the access for the previous building that was on the site. The appellant states that these have since been removed and replaced by grasscrete when the building was replaced by the current Timber Building in about 2017.
13. In his appeal statement the appellant refers separately to the proposal involving 'remove the patio area' and 'reduce the area of hardstanding'. The existing plan shows the slabbed patio area around the Timber Building annotated differently from the grasscrete area edged in gritstone setts. These facts indicate there are different types of hardstanding that need removing and/or reducing.
14. After her visit, the enforcement Inspector described there being 'hardstanding areas and relatively extensive areas of paving and terracing'. The requirements of the enforcement notice required removal of 'the area of hardstanding (including all solid slabs, paths and semi-permeable surfacing).' This reinforces the fact there are different types of hardstanding on the site and this corresponds with what I saw on my visit.
15. The proposed plan clearly shows and annotates that the area of slabbed patio would be reduced in size. However, the grasscrete area (coloured green) would stay the same shape and size and not be reduced. About half the slabbed patio area to the south of the Timber Building would be removed, leaving a slabbed pathway around 3 sides of the Timber Building. The appellant therefore wants to keep the grasscrete and keep a reduced area of slabbed patio and wants planning permission granted for them, albeit retrospectively. The development would therefore be more accurately described to include the 'laying of hardstanding'.
16. Notwithstanding the description in the banner heading taken from the application form and considering the above, the development would be more accurately described in paragraph 1 as 'Erection of a timber building for ancillary recreation/forestry use and the laying of hardstanding'. For the avoidance of doubt, I have considered the development on the basis of the proposed plans, which differ from the Timber Building and areas of hardstanding as constructed on site.

Main Issues

17. The site lies within the Peak District National Park (the PDNP). The main issues in this appeal are:
 - Whether or not the proposal is functionally required for forestry,
 - The effect of the proposal on the character and appearance of the woodland with regard to its location within the PDNP,

- Whether the proposal is a suitable location for recreational use, and
- The effect of the proposal on trees within the site.

Reasons

Whether there is a functional forestry need

18. The appellant manages the 0.5 hectares of woodland on a self-sufficient basis and wants to store plant and machinery and necessary equipment in the Timber Building. The woodland is roughly triangular in shape with a stream running through and enclosed by dry-stone walls. I saw the woodland was in generally good condition, with trees planted along the site and on the grassy banks of the stream. There was little evidence of tree felling or active woodland work.
19. Policy DME1 of the Development Management Policies² (the DMP) permits new agricultural or forestry buildings, structures and associated working spaces provided it can be demonstrated that the scale of the proposal is functionally required for that purpose and subject to a number of criteria. Relevant criteria include the location and size of the forestry holding, type of forestry practiced on the holding, and the intended use, size and appearance of the building. In addition, the policy also requires that new forestry buildings are located close to farmsteads or main group of buildings and in all cases make best use of existing buildings, trees, walls and other landscape features to avoid adverse effects on the area's valued characteristics.
20. On my visit there was no plant or machinery on the site or inside the building. Inside the Timber Building there were some hand tools on hooks on the wall, such as a trowel, shears, a hammer, ear defenders, a number of woodworking saws including some suitable for pruning trees. There was a chain saw and a strimmer, various spades and other such gardening tools and a concrete mixer. There was also a fold-up workbench.
21. The equipment and tools were common with general household DIY and gardening and what someone might ordinarily have in their garden shed or garage. The various tools were neatly aligned along part of one wall and in the corner and did not encroach into the room, which had other domestic furniture. They were of a nature and quantity that clearly does not require a substantial area or building for storage.
22. In the domestic timber shed (to be removed) there were various items including some old coats and tarpaulins, a step ladder, rope and a few other items, none of which indicated to me they were for specific or specialised forestry purposes. The equipment and tools I saw in the Timber Building could be adequately accommodated in the domestic timber shed.
23. With his appeal, the appellant has submitted a Small Woodland Management 10-year Plan starting from February 2021. In it the appellant sets out his long-term vision for the woodland namely, to leave it largely untouched to enable wildlife, flora and the woodland to flourish, and to protect large areas for the family to observe, record, learn and enjoy the habitats. Overgrown areas would be thinned out to provide small pathways.

² Part 2 of the Local Plan for the Peak District National Park adopted May 2019

24. The stated objectives include protecting and maintaining the mature trees by thinning out, brashing, pruning and felling; protecting and maintaining native species and areas of habitat; encouraging biodiversity, and recording and identifying trees over 150mm diameter. These are simple and obvious objectives that do not require substantial or intensive management or maintenance, as indicated by the limited range of tools and equipment in the Timber Building. Nor do they necessitate a building of the size that has been erected on site. It is clear from the history of the site and the enforcement appeal that the Timber Building was not erected solely for the purposes of forestry but was intended for use by the family for recreation purposes as well as accommodation for staying a few days at a time.
25. The Small Woodland Management Plan, although submitted as a Forestry Commission document, has not been approved and signed by the Forestry Commission. Whilst the document might indicate the appellant's intentions to manage the woodland it does not demonstrate the need for the Timber Building to be of the size it is in order to facilitate the management of a small area of woodland.
26. I understand the appellant and his family live nearby. I have not been presented with any substantive evidence to indicate that it is not possible for the appellant to bring tools to site in his vehicle or a trailer considering the short distance to travel. Using the Timber Building for recreational purposes is not the same as there being a functional need for the building for the purposes of carrying out forestry on the land, which I shall deal with later.
27. Despite its location close to other buildings and sited behind a wall in the woodland that provides some screening, I am not satisfied that a Timber Building of the size erected is functionally required for forestry practices and purposes being undertaken on the land. Accordingly, the proposal is contrary to DMP Policy DME1, whose aims are outlined above.

Character and appearance

28. Within the PDNP there are different landscapes. The site falls within the Dark Peak Western Fringe character area and within its 'valley pastures and industrial landscape' whose upper slopes of the landscapes are settled with dispersed gritstone farmsteads with pasture and lower lying valleys. I saw this to be the case with the appeal site set on the upper slopes near to a farmstead and other buildings. The woodland is visible as part of a patchwork of small woodlands across pastured hillslopes. Trees and woodlands are one of the valued characteristics of the PDNP and hence the appeal site is a valued characteristic and positively contributes to the landscape setting and scenic beauty of the PDNP.
29. The National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing National Parks and their landscape and scenic beauty, which have the highest status of protection in relation to these issues.
30. The woodland and Timber Building are located along a private track some distance from the A624 Glossop Road. The woodland and building sit between other properties along this track and hence does not occupy a prominent or isolated setting. Indeed, on approaching the site uphill on the Glossop Road from Little Hayfield, the woodland was visible as part of the wider pasture and

wooded landscape, as were the farm and other buildings either side of the woodland. The building was only really visible as one approaches along the track.

32. The Timber Building is of dark coloured timber with a dark metal roof which help it blend in. Furthermore, it is sited close to the stone wall at the northern end of the site, which runs along the private track, with tall trees behind and around it. These provide some screening and containment of the building. Along the private track, the woodland and building appear as ancillary land and structures to the farmsteads and the buildings either side. The Timber Building is therefore not unduly visible or conspicuous and hence does not have an adverse effect on the scenic quality of the surrounding landscape or conflict with the NP landscape protection aims, even in winter without substantial leaf cover.
33. I accept that hardstanding in a woodland is generally out of keeping. The previous concrete and tarmac hardstanding areas have been removed. The grasscrete area was visually unobtrusive, covered with leaves at the time of my visit in the winter. This hardstanding area is for the most part screened from view from the private track by the dry-stone wall. Its area is limited to where vehicular and other activity is focused and does not extend into the woodland beyond the limit of the Timber Building. From what I saw, the grasscrete does not unduly harm the valued characteristic of the woodland.
34. However, the sizeable, slabbed patio area introduces an overtly and wholly inappropriate domestic and incongruous feature into the woodland, extending beyond the rear of the building into the woodland. Furthermore, the lattice fencing, timber rails and steps create a landscaped domestic setting at odds with the woodland. In addition, the 'domestic timer shed' adds to the domestication of the plot. However, these features are proposed to be removed and this would reduce the domestic appearance of the site and return the woodland to its simpler forestry use.
35. Furthermore, alterations would be made to the Timber Building to reduce its domestic dwelling-like appearance. The partly glazed front door would be replaced with a simple solid timber one; the sliding patio doors would be replaced by a single window; and simple sliding timber shutters would be installed across all the windows when the building is not in use. I am satisfied that these changes would return the building to one more appropriate for its woodland setting. Conditions would need to be imposed to ensure the removal of these unsuitable features occurred within a specified timescale.
36. From my site observations the Timber Building, located close to other buildings and behind a dry-stone wall, together with removal of the domestic features from both the building and the land, would ensure the building is not a prominent or isolated feature in the landscape. On this basis, the development would not be unduly incongruous in this countryside setting and would not adversely detract from the wider landscape. Furthermore, there would be no loss of the woodland around the building. As a result, the valued landscape characteristics, landscape setting and scenic beauty of the woodland and the PDNP would not be adversely harmed.
37. Accordingly, subject to conditions to remove the inappropriate features from the land and building, the development would not conflict with Core Strategy Policies GSP1, GSP3 and L1 and DMP Policies DM1, DMC1, DMC3 and DME1.

Collectively these seek to ensure the purposes of the PDNP of conserving and enhancing the natural beauty, wildlife and countryside, as well as ensuring development that adversely affects, or would lead to undesirable changes, in landscape character or any other valued characteristics will not be permitted, when assessed against a number of development management principles.

Recreational use

38. The appellant and his family regularly come to the woodland after work/school and sometimes stay overnight or at weekends to enjoy the simple recreation the woodland offers him and his family. They have an interest in outdoor education and wider environmental matters and use the woodland for informal recreation and education with their children, such as bird watching and recording flora and fauna in the woodland. This would accord with Core Strategy Policy RT1 that seeks to support facilities that enable recreation, environmental education and interpretation appropriate to the PDNP's valued landscapes.
39. A timber building already existed on the site and this is a material consideration. Whilst not on the edge of a settlement, its countryside location is justified by the building being located within the woodland it would serve. I have also found the Timber Building and hardstanding, together with removal of various domestic features from the building and the land, would not harm the character and appearance of the area or the PDNP's valued characteristics.
40. With the proposed removal of many of the domestic dwelling facilities, the Timber Building would revert to a simple facility of a more appropriate scale and use for informal and ancillary recreational use. Accordingly, the proposal would not be contrary to Core Strategy Policy RT1.

Trees

41. No tree survey has been submitted with the application or the appeal. The previous tarmac and concrete hardstanding areas were laid a number of years ago but have since been replaced by the permeable grasscrete. It may well be the case that the erection of the Timber Building and patio slabs that have been laid may have had some effect on the root protection zones under some of the trees, however, the works were done a number of years ago. I understand the Authority did not advise, as part of its pre-application advice, that a Tree Survey would be required to support the application, nor am I aware it raised any tree concerns at the enforcement appeal.
42. The proposal would see the removal of some of the patio slabs around the Timber Building as well as removal of steps, fencing and railings from around and under some of the trees. This would likely have some effect on the root protection zone of some of the trees as compaction is reduced. However, the proposal does not involve any substantial works to trees or their surroundings, nor the removal of any of the trees in the woodland and in the absence of evidence to the contrary, I am satisfied that a Tree Survey is not required for this part-retrospective development. Accordingly, in this instance the development would not be contrary to DMP Policy DMC13, which seeks to protect trees and woodland.

Conditions

43. As the proposal involves the removal of various items from the land and building, it is necessary to impose planning conditions to ensure these alterations and works are carried out.
44. I have considered the 6 conditions put forward by the Council against the advice in the Framework and Planning Practice Guidance (the PPG) and have amended them in the interests of precision and clarity.
45. I have imposed a condition specifying the relevant drawing as this provides certainty. The Authority refers to 2 drawings: 2004-02 Rev D titled "Prop Site Plan" 'updated for formal submission'. Drawing 2104-01 Rev D is titled 'site plan' but is confusingly also labelled 'existing site plan'. The explanation of its revision (dated after drawing 2004-02 Rev D) refers to there being a scale change. It is easier to read but does not include the illustrative details of the sliding timber shutters. As drawing 2004-002 Rev D includes all of the information and is also correctly labelled, I shall list this drawing and not 2104-01 Rev D. I shall also list the Title Plan as a location plan as this clearly shows the site and its boundary for certainty.
46. With regards removing the various domestic components and elements from both the building and the land, the Council has suggested that these be done 'prior to commencing use of the building as approved'. However, as the site is already in use this would make it harder to know when the approved development has occurred and hence harder to enforce. Therefore, for enforceability and for clarity for all concerned I shall instead specify that the various domestic features, sheds and areas of hardstanding are all removed within a certain time period from the date of this permission.
47. The rectifying works would not be particularly difficult or complex or require a large team of workers. We are also moving out of the winter towards better weather and more hours of daylight. Therefore, I find 3 months is an appropriate timescale that would strike a proportionate and reasonable balance between the public and private interests in this case. I shall combine the Authority's suggested conditions 2, 3 and 4 into one 'long' condition that will require the submission of various additional details and their implementation within the 3 months. Failure to comply with any aspect of this condition will require the ancillary forestry/recreation use to cease and the Timber Building and all other items associated with it removed from the site.
48. The Authority has suggested a tree planting condition. However, the proposal has not involved tree removal and the Authority's evidence does not explain why additional tree planting is necessary. The site is already woodland, it remains adequately treed and the appellant has a Small Woodland Management Plan to look after the woodland. This condition is therefore unreasonable and unnecessary.
49. In the continued interests of the character and appearance of the PDNP, it is necessary to impose a condition controlling the colours of external materials of the Timber Building.

Planning Balance and Conclusion

50. There is no requirement for the Timber Building on the site for the purposes of forestry, so there is policy conflict. However, a building existed previously on the site and this is a material consideration. The appellant's family educational/recreational use would be small-scale but nonetheless in broad accordance with the PDNP aims of recreation and education.
51. Whilst there would be conflict with DMP Policy DME1, the purpose of the policy is to protect the landscape and other valued characteristics of the area in line with the Framework's requirement to conserve and enhance the landscape and scenic beauty of National Parks. I have found that the development, as shown on the proposed plans and with conditions, would not harm the character and appearance of the area. Consequently, the proposed development would not be contrary to the Sandford principles, where the conservation and enhancement of the PDNP will be given priority. Therefore, I find that the development, on the basis of the proposed plans and imposed conditions, would be in accordance with the development plan as a whole.
52. For the reasons given above I conclude that the appeal should be allowed.

K. Stephens
INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Title Number plan DY377686 (Location Plan) and 2004-02 Rev D (Proposed site plan).
2. The use and associated works hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision:
 - a) The domestic timber shed shall be removed from the site, in accordance with drawing 2004-02 Rev D.
 - b) The area of paving slabs shall be reduced in accordance with drawing 2004-02 Rev D and the resulting slabs and materials shall be permanently removed from the site.
 - c) The timber rails, steps, and fencing shall be removed in accordance with drawing 2004-02 Rev D and shall be permanently removed from the site.
 - d) The kitchen units, shower and washbasin shall be removed from inside the Timber Building and permanently removed from the site.
 - e) The external alterations to the Timber Building shall be carried out in accordance with drawing 2004-02 Rev D.

- ii) If within 6 months of the date of this decision the Peak District National Park Authority refuse to approve any of the schemes required above or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved schemes a) – e) above shall have been carried out and completed in accordance with a timetable to be approved with the local planning authority. Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The walls and/or roof of the Timber Building hereby approved shall not be painted, stained or otherwise coloured without details of the specification to be used first being submitted to and approved in writing with the Peak District National Park Authority. Once agreed, the finish shall be permanently maintained.

End of conditions