



Appeal Decision

Site visit made on 18 July 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/P2935/W/23/3322365

Land at east of Aydon Dipton Woods, Corbridge, Northumberland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr David Talbot against the decision of Northumberland County Council.
- The application Ref 22/03217/FUL, dated 31 August 2022, was refused by notice dated 5 December 2022.
- The development is erection of a forestry shelter and the location of a storage container (both retrospective).

Decision

1. The appeal is allowed and planning permission is granted for erection of a forestry shelter and the location of a storage container (both retrospective) at land east of Aydon Dipton Woods, Corbridge, Northumberland in accordance with the terms of the application, Ref 22/03217/FUL, dated 31 August 2022, and the following approved plans: Location Plan (scale 1:5000); Site Plan, Main Plan and Elevations (scale 1:100 & 1:250).

Procedural Matters

2. The site address in the above banner heading has been taken from the decision notice as this accurately reflects the appeal site.
3. The proposed development has already been completed. The appeal scheme has therefore been assessed on a retrospective basis.

Main Issues

4. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - Whether the site location is otherwise suitable for the development, having regard to development plan policy governing proposals within the open countryside.

Reasons

Whether inappropriate development

5. The appeal site relates to a parcel of land located within the open countryside to the east of Aydon Dipton Woods near Dilston. The appeal site also falls within land designated as Green Belt.

6. Policy STP 7 of the Northumberland Local Plan 2016-2036, 2022 (NLP) sets out the strategic approach to the Green Belt and Policy STP 8 of the NLP amongst other matters, explains that in assessing development proposals within the Green Belt, development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. It then goes on to state that development, which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.
7. Paragraph 149 of the Framework explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, amongst others, buildings for agriculture and forestry. Policies STP 7 and STP 8 of the NLP are consistent with national Green Belt policy and as a result, I afford them full weight.
8. Whilst the Council has indicated that the appellant has not submitted details of the scope of the operations on site, the appellant's statement of case as submitted sets out that in order to provide some downtime and a new interest away from the 'day job', the appellant purchased, a fairly local to him, area of woodland to learn a new practice woodland management and nature conservation/habitat creation.
9. A timber structure has been erected onsite comprising a frame of tree logs and trunks along with a metal storage container. Such structures are used for shelter and storage purposes in relation to an existing forestry use onsite which largely relates to the processing of felled trees and replanting of trees. The Council has set out the forestry definition as defined in the Oxford Dictionary. Having regard to this, I am satisfied that, even though relating to a personal hobby, the operations comprise forestry development. This is despite the site not benefiting from a felling license which limits the amount of felling onsite.
10. The Framework's Green Belt provisions do not set out any limiting criteria relating to the size of forestry buildings or any other matters and do not require that operational justification for any new building is provided. Consequently, as the structure and container relate to forestry operations, they do not comprise inappropriate development. I also note here that a scheme should generally be determined as applied for unless evidence firmly indicates that it would not, in this case be buildings for forestry.
11. I conclude that under the terms of paragraph 149 of the Framework and Policy STP 8 of the NLP, the development is not inappropriate development in the Green Belt as it relates to a building for forestry. It therefore complies with Paragraph 149 of the Framework and Policies STP 7 and STP 8 of the NLP.
12. I have found that the shelter and container are not inappropriate development in the Green Belt in accordance with an exception that does not expressly state a need to assess its effect on openness or whether it conflicts with the purposes of including land within the Green Belt. The development should not therefore be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it¹.

¹ Court of Appeal judgement Lee Valley Regional Park Authority v Epping Forest District Council [2016]

13. There is also no requirement to assess whether there are other considerations that amount to very special circumstances to justify development in the Green Belt.

Location – open countryside

14. The location of the site in the open countryside limits the occasions where development will be supported to predominantly those set out in Policy STP 1 g) of the NLP. None of the circumstances as set out in STP 1 g) apply in this case given that the most relevant circumstances require operations to relate to an existing or new business. STP 1 h) sets out that other development will be permitted if they are supported in a made Neighbourhood Plan. However, I do not have any evidence of any Neighbourhood Plan to suggest that such other development could be considered.
15. As referred to above, the operations appear to be more of a personal hobby and based on the evidence before me, its use does not relate to an existing or new business. Consequently, there is identifiable conflict with Policy STP 1. However, the development is relatively modest in size, scale and massing and is located in an area of dense remote woodland surrounded by several trees. As such, the site is well contained where views of the site are not readily visible. The overall open nature of the structure which has been formed by existing trees along with the size and low height of the container does not materially erode the intrinsic value of the open countryside or the area's environmental assets. The development enables the effective management of forestry land and I have had regard to the associated benefits including biodiversity improvements, habitat creation and tree planting.
16. I note the Council's stance that it has not been justified that a building is required to be on site for storage, or that a container and adjacent timber structure of the scale installed are required. I also acknowledge its reference to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 6, Class E – 'Forestry Developments') (GPDO) despite not being directly applicable when considering the merits of a planning application. These provisions include a requirement for development on land used for the purposes of forestry to be 'reasonably necessary' for such purposes.
17. Even so, the appellant's statement of case sets out that the 6 acre wood the appellant owns is one part of a much larger woodland. The portion controlled by the appellant is of a considerable size and as was apparent upon inspection, contains significant tree cover. In this context, the development can be considered reasonably necessary. Indeed, in the particular circumstances of this case, it would be neither fair nor realistic to require tools and equipment to be transported on a regular/routine basis to and from the site. In any case, I am not wholly persuaded that the tools and equipment required at the appeal site are of a portable nature.
18. The Council has referenced a previous appeal at a separate site under reference APP/J9497/X/10/2127979. Whilst I have not been provided with the full details that would have been before the decision maker in that case, it is my understanding that it was found that a minimal amount of tools and equipment would be necessary for woodland management purposes. I have however considered the proposal that is before me taking into account the specific case and site circumstances to hand.

19. For the above reasons, having specific regard to development plan policy governing proposals within the open countryside, the site is not suitable for the development. However, whilst there is identifiable conflict with Policy STP 1, given the specific site and case circumstances that avail, and noting the relatively modest scale and discreet positioning of the development under consideration, I attach limited weight to this identified policy conflict.

Conditions

20. I have considered the Council's suggested planning conditions taking into account the retrospective nature of the appeal and in light of the Framework and Planning Practice Guidance. I have included the approved drawings, in the terms of my decision in the interests of certainty. A condition relating to external materials is not considered necessary in this case due to the retrospective nature of the scheme. There is no evidence to suggest that the development has any fixed external lighting and thus a condition relating to external lighting is not considered necessary and has not therefore been applied.

Conclusion

21. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is clear from the policies contained within the NLP governing proposals within the open countryside, that the site location is unsuitable for the proposed development and thus the scheme is contrary to the development plan when read as a whole. However, in the absence of a material erosion of the intrinsic value of the open countryside and noting the scheme's promotion of the effective management of forestry land, it is my judgement that the particular material considerations in this case outweigh the strategic policy conflict.
22. I therefore conclude that the appeal should be allowed.

N Teasdale

INSPECTOR