



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/23/3321749

Burnfoot Woods, Pit Allotment Wood, Dilston, Corbridge

- 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 Ms Margot Holton against the decision of Northumberland County Council.
- The application Ref 22/03876/FUL, dated 18 October 2022, was refused by notice dated 3 March 2023.
- The development proposed is described as '*proposed storage shed and proposed polytunnel to support existing woodland maintenance (Existing structures to be removed)*'.

Decision

1. The appeal is allowed and planning permission is granted for proposed storage shed and proposed polytunnel to support existing woodland maintenance (Existing structures to be removed) at Burnfoot Woods, Pit Allotment Wood, Dilston, Corbridge in accordance with the terms of the application, Ref 22/03876/FUL, dated 18 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 477_P_001-01 Revision 02; Proposed Site Plan Drawing No. 477_P_003_01 Revision 02; Framed Poly Tunnel Detail Drawing No. 477_P_005_01 Revision 02; Storage Shed Drawing No. 477_P_004_01 Revision 02.

Applications for costs

2. An application for costs was made by Ms Margot Holton against Northumberland County Council. This application is the subject of a separate decision.

Procedural Matter

3. The description of development in the above banner heading has been taken from the original application form. However, this includes reference to existing structures to be removed. The submitted plans do not show such structures and the appellants' statement of case confirms that such structures have been removed following discussion with the Enforcement Officer. In the interests of clarity, I have determined the appeal based on the plans the Council based its decision on.

Main Issues

4. The main issues are:

- Whether the proposal would be 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 proposed 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 southeast of Pit Allotment Wood, to the south of 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. The proposed development involves the erection of a storage shed which would act as a shelter for persons associated with a forestry operation, and as storage for tools. It would be constructed of timber with a black sand felt roof. A polytunnel is also proposed which would be used to grow tree saplings.
9. The appellant sets out that no forestry, silviculture or arboriculture businesses are carried out at or run from the site and that no commercial or employment uses operate from the site. The case goes on to explain that the appellant maintains the site through forestry management in a manner similar to an allotment and that woodland maintenance is carried out as a personal past time.
10. The Council do not consider that the proposed development to be reasonably necessary for the purposes of forestry, or that the development is entirely for forestry purposes. However, I have had regard to the range of activities/operations that take place on site including replanting and general woodland maintenance. Such operations would inevitably require the use of various forestry-related tools and the appellant sets out a range of tools that are required including, chainsaws, strimmers, chopsaws, generators, spades and loppers as well as other associated items. I also do not find it unreasonable

to provide basic welfare facilities and shelter for persons associated with a forestry operation particularly in times of inclement weather. Whilst the term forestry is undefined in the Framework and in the relevant policies of the NLP, it is clear that the proposed development would cater for operations of a forestry nature despite not forming part of a commercial/forestry business.

11. I note the Council's concern that the appellant has not sufficiently justified that a building is required/needed for storage given the scale of the operations. However, the Framework's Green Belt provisions do not set out any limiting criteria relating to size or any other matters and do not require that the operational justification for the building is provided. There is no substantive evidence before me to firmly indicate that the proposed shed would not be used for its intended purpose which would be forestry. This finding similarly applies to the proposed polytunnel.
12. I conclude that under the terms of paragraph 149 of the Framework and Policy STP 8 of the NLP, the proposed development would not be inappropriate development in the Green Belt as it relates to a building for forestry. It would therefore comply with Paragraph 149 of the Framework and Policies STP 7 and STP 8 of the NLP.
13. I have found that the proposed shed and polytunnel would not be inappropriate development in the Green Belt in accordance with an exception that does not expressly state a need to assess its effect on the openness or whether it conflicts with the purposes of including land within the Green Belt. The proposed development should not therefore be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it.¹
14. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, 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

15. 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. I do not have any evidence of any Neighbourhood Plan to suggest that such other development could be considered.
16. As referred to above, it is undisputed that the operations are unrelated to an existing or new business. Consequently, there is identifiable conflict with Policy STP 1. However, the proposed development is modest in size, scale and massing and is located in a remote area of woodland which is well screened on all sides by dense planting or other means of boundary treatment. As such, the site is well contained where views of the site are not readily visible. The overall size and low height of the proposed shed and lightweight nature of the polytunnel along with their overall positioning would not materially erode the intrinsic value of the open countryside or the area's environmental assets. To

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

this end, the site forms part of a larger area of coverage where such a small shed and polytunnel would be read as low-key, proportionate, and reasonable additions. The proposed development would also use materials that are in keeping within this rural setting and overall would not have an adverse impact on the character of the surrounding area.

17. As a further note, I am not convinced that the tools as identified above would be of a readily portable nature such that they could be straightforwardly transported to and from this particular site, nor that this would be a reasonable option on a regular/routine basis. It can also not be fairly assumed that the appellant would always be able to drive, and I have had regard to their intentions to use public transport to access the site in the near future.
18. For the above reasons, having specific regard to development plan policy governing proposals within the open countryside, the site is not suitable for the proposed development. However, whilst there is identifiable conflict with Policy STP 1, given the specific site and case circumstances that avail, and noting the very modest scale and discreet positioning of the development proposed, I attach limited weight to this identified policy conflict.

Other Matters

19. Reference has been made to the Permitted Development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 6, Class E – 'Forestry Developments'). However, it is not my role in the context of this appeal to determine whether or not any such development would be permitted in order to decide whether reliance could be placed on such permitted development rights as a fall-back. This has not therefore affected my findings on the main issues.
20. In the absence of material harm to the intrinsic value of the open countryside, I consider the benefits to be brought about by the proposed small-scale development in the context of promoting the effective management of forestry land in accordance with the individual requirements of the appellant outweigh the strategic policy conflict that is identifiable.

Conditions

21. I have considered the conditions suggested by the Council including the standard time for commencement of development which I have applied. I also agree that a plans condition is necessary to ensure that the approved development is carried out in complete accordance with the approved plans. The Council has suggested a separate condition relating to external materials. As these have been provided on the approved plans and the development is of a modest scale, I do not find a separate condition necessary. There is no evidence to suggest that the development would have any fixed external lighting and thus a condition relating to external lighting is not considered necessary in this case. There is reference to a condition relating to the location of the compostable toilet within the officer report although this has not been formally suggested by the Council. Notwithstanding, the plans do not show provision for such and given the nature of the proposals, I do not find such a condition necessary in this case.

Conclusion

22. 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 is contrary to the development plan when read as a whole. However, the particular material considerations in this case outweigh the strategic policy conflict.

23. I therefore conclude that the appeal should be allowed.

N Teasdale

INSPECTOR