



---

# Appeal Decision

Site visit made on 27 February 2024

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 April 2024**

---

**Appeal Ref: APP/R0660/W/23/3328803**

**Nearly Nine Acre Wood, off Birtles Lane, Over Alderley SK10 4RY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Stuart Dolling against the decision of Cheshire East Council.
  - The application Ref is 23/0270M.
  - The development proposed is a traditional wooden pole type barn.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I have taken the description of development above from the planning decision notice as this is the most accurate and succinct version provided.

## Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of (a) works for the erection, extension or alteration of a building subject to limitations and conditions.
4. The main parties do not dispute that the proposed building would be reasonably necessary for the purposes of forestry and that prior approval of the authority is therefore required as to the siting, design and external appearance of the building. I have no reason to find otherwise. The Council determined that the design and external appearance of the proposal was acceptable, however it found that its siting was not.
5. The provisions of Schedule 2, Part 6, Class E of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations to the relevant prior approval matters.
6. Given the above, the main issue in this case is the effect of the siting of the proposed development on the ancient woodland and local wildlife site.

## Reasons

7. This appeal concerns a parcel of land which is within part of an area designated as plantation on ancient woodland. The Planning Practice Guidance (PPG) and the Framework advises that ancient woodland is an irreplaceable habitat and is an area that has been wooded continuously since at least 1600 AD. The guidance goes on to confirm that ancient woodland designations include ancient semi-natural woodland and plantations on ancient woodland sites, such as the appeal site.
8. Paragraph 186 c) of the Framework states that development resulting in the loss or deterioration of ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
9. The site is also a designated local wildlife site. Policy SE3 of the Cheshire East Local Plan, Local Plan Strategy 2010 – 2030 (July 2017) states that development proposals which are likely to have a significant adverse impact on a site with a local designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.
10. The proposed building would provide cover for tools and machinery which are required to assist a re-planting scheme within the woodland and various other initiatives. Indeed, I note the constrained access route to the appeal site which may hinder the use of machinery and other equipment.
11. Details before me indicate that steel post support spikes would be sunk into the ground in order to construct the proposed building. No further information has been provided. Whilst I appreciate that the proposal would not be within close proximity to trees, the detail regarding roots of nearby trees is lacking.
12. Regardless, the proposed building would be constructed on part of an existing ride within the site. Open ground is an important component of ancient woodlands. It may also support wildlife.
13. The evidence indicates that the rides throughout this woodland site were exposed and widened during the recent larch felling and were left in a parlous state by the previous equipment and heavy traffic. It is also suggested that the opening of the rides to light has led to extensive growth of flora which needs to be kept under control.
14. Based on the limited detail before me, I cannot determine the nature and severity of any impacts of the proposal on soils, ground flora or fungi, wildlife or habitats that may arise as a consequence of the appeal proposal's siting on this ride. As such, I am concerned that the proposal may result in further deterioration of this ride which may lead to a significant adverse effect on the wider designated site.
15. The appellant's management intentions for this sensitive site are laudable, however, I am not convinced that the requirement for the proposed building is a wholly exceptional reason. Therefore, the lack of detail on the purported improvement to biodiversity does not persuade me that there is a suitable compensation strategy or that any benefits would outweigh the harm.
16. As I cannot rule out that the siting of the proposal is unlikely to result in the loss or deterioration of the ancient woodland or that it would not have a

significant adverse impact on this local wildlife site, these particular findings weigh substantially against the appeal proposal and warrant the refusal of prior approval in this instance.

### **Conclusion**

17. Whilst the appeal proposal may fall within the definitional scope of Schedule 2, Part 6, Class E of the GPDO, as I have found the potential for unacceptable consequences on this ancient woodland and local wildlife site, the appeal should not succeed.

*H Ellison*

INSPECTOR