



Appeal Decision

Site visit made on 19 April 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/D3830/W/23/3326988

Horsted House Farm, Horsted Lane, Sharpthorne, East Grinstead, West Sussex RH19 4HY

- 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 Mrs Camilla Witheridge against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/1472.
 - The development proposed is a new road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development above are taken from the original application form.
3. The proposal would involve creation of a new road through surfacing of an existing track, which is a private way. I am satisfied from my observations on site that work on the proposed development had not commenced before my visit.
4. 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 (b) the formation, alteration or maintenance of private ways. Such permission is subject to limitations and conditions. These conditions include prior approval for the matters specified in paragraph E.2.
5. Reference is made in the appeal submission to use of the road for agriculture. However, the application form states the proposed development is necessary for forestry work, so I have considered the appeal on that basis.

Background and Main Issue

6. The Council refused the application because it was not satisfied the proposed development was required for solely a forestry purpose. It therefore concluded the proposed development was not permitted under Schedule 2, Part 6, Class E of the GPDO.

7. The main issue in this appeal is therefore whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 6, Class E of the GPDO

Reasons

8. The test for permission to be granted under Schedule 2, Part 6, Class E of the GPDO does not state that the development must be required for solely a forestry purpose. As set out above, the test is that the proposed development is reasonably necessary for the purposes of forestry.
9. The appellant states forestry work will be undertaken over the coming years because Ash die-back has spread in the woodland at Horsted House Farm and extraction of timber is required to cover the cost. However, there is no pertinent evidence before me to substantiate the area or location of diseased trees on the Farm or of the quantity of timber that would need to be extracted. There is also little evidence of the range of forestry methods that could feasibly be used to manage this issue.
10. I acknowledge it would be difficult for heavy vehicles, such as large cutting machinery and extraction vehicles, to use the unsurfaced heavy clay track during the winter months, and potentially also in drier periods. I also recognise rutting from heavy vehicles could cause contamination of watercourses. Nevertheless, even if I accept the track is the only unrestricted access to the highway for Horsted House Farm, I am not persuaded on the evidence before me that heavy vehicles would necessarily be required to achieve the stated forestry purposes. Moreover, whilst I recognise that in certain circumstances commercial forestry contractors would need a surfaced track to work profitably, there is little to demonstrate such circumstances pertain in this case.
11. Consequently, there is insufficient evidence for me to be satisfied that the proposed development would be reasonably necessary for the purposes of forestry. I therefore conclude the proposed development would not be granted planning permission by Article 3(1) and Schedule 2, Part 6, Class E of the GPDO.
12. As the proposal does not constitute permitted development, it is not necessary for me to consider whether prior approval should be given for the matters specified in paragraph E.2.

Other Matters

13. I recognise that a variety of activities take place to support the business at Horsted House Farm, and that some form of diversification is common among working farms. However, this consideration and the concerns raised about noise from the campsite are outside the scope of matters that can be considered in this case.
14. I note the intention for the track to grass over in time. The appearance of the track is also outside the scope of matters that can be considered in this appeal.
15. Examples have been brought to my attention of tracks approved on neighbouring farms in the recent past, some of which are longer than that proposed in this instance. There is little information about the circumstances of those examples, so I cannot be certain they are sufficiently similar to those

before me to be directly comparable. In any event, I have considered this appeal on its individual merits, based on the evidence before me.

Conclusion

16. For the reasons given above, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR