



Appeal Decision

Site visit made on 11 June 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/D1265/W/23/3332977

Toller Wood, Kingcombe Coppice, Kingcombe Lane, Higher Kingcombe, Dorchester DT2 0QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under paragraph E.2 of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015, as amended.
 - The appeal is made by Mr Andrew Reid against the decision of Dorset Council.
 - The application Ref P/PABA2/2023/01883, dated 10 January 2023, was refused by notice dated 16 May 2023.
 - The development proposed is small wooden tool shed built on blocks and timber bearers to minimise environmental impact. Wall cladding to be made of horizontal redwood shiplap timber. Apex roof made from juniper green plastisol box galvanised steel with a 20 degree pitch. Will include a 4.5m x 1m decking area for outdoor work. The shed will be placed in an open area adjacent to the existing ride.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council issued two separate decision letters regarding this proposed development, the first deeming that prior approval is required and the second confirming that prior approval is required and is not given.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". However, the legal designation and policy status of these areas are unchanged, so I have therefore referred to the Dorset National Landscape (DNL) as the AONB where relevant.

Main Issue

4. The main issue is whether the siting, design and external appearance of the proposed building would be acceptable.

Reasons

5. The Council considers that there is no essential need for the proposed building. The Order requires that the proposal must be reasonably necessary for the purposes of forestry. The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1) of the Order, and therefore development which is constructed not in accordance with the terms or conditions of the permission would be at risk of

enforcement action. Where there is any doubt as to the lawfulness of development that has been subject to the prior approval process the lawfulness (or otherwise) of the development may be established through the submission of an application under Section 192 of the Town and Country Planning Act 1990 for which there exists a right of appeal.

6. My assessment of the prior approval matters is made, therefore, in a context where the principle of the development is not, itself, an issue. As such, the requirement for prior approval relates solely to the siting, design and external appearance of the proposed building.
7. The development would be located within Kingcombe Coppice, an area of ancient and semi-natural woodland within the Dorset National Landscape. Kingcombe Coppice is identified within Natural England's Ancient Woodland inventory and is covered by a Tree Preservation Order¹ which protects all trees of any species, age and size. Kingcombe National Nature Reserve, a patchwork of fields of unimproved flower-rich grassland, bounds the coppice to the north and east.
8. The Council's Landscape Character Assessment (LCA) identifies the site as within the chalk valley and downland landscape type of the Upper Frome Valley. The LCA advises that this area is characterised by good woodland cover, including a scattering of small copses and pastures. Kingcombe Coppice, the surrounding fields of unimproved flower-rich grassland, and the undeveloped character of the site contribute positively to the identified landscape character of the area. Furthermore, the undeveloped landscape character, tranquillity, and remoteness of the site and its surroundings form part of the AONB's special qualities.
9. The proposed shed, though modest in scale, would have a domestic appearance by virtue of the proposed window and verandah. Although the shed would not be visible from public viewpoints, its siting would not respect the high quality, sensitive, and undeveloped landscape character of the area. As such, the development would represent a harmful and incongruous encroachment of built form into a high quality undeveloped landscape.
10. Whilst I have had regard to the appellant's evidence as to the benefits that the proposal would provide, they do not outweigh the identified harm to landscape character.
11. The proposal is, therefore, unacceptable in terms of its siting, design and external appearance.

Conclusion

12. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

¹ W1 TPO 726