



Appeal Decision

Site visit made on 2 July 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/T3725/W/23/3333757

Land to the North of Bakers Lane, Knowle, Solihull, Warwickshire B93 8PT

- 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 Mr Edmond Flaherty against the decision of Warwick District Council.
- The application reference is W/23/1100/AG.
- The development proposed is the erection of an agricultural building for storage of forestry tools and machinery.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development was described on the application form as an "implement store". I have used the amended description from the decision notice and the appeal form in the banner heading above as it provides a more comprehensive description of the scheme.

Main Issue

3. The main issue is whether the proposal would be permitted development as provided for by Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter "the GPDO").

Reasons

4. Schedule 2, Part 6, Class E of the GPDO allows for a variety of development, including the erection of buildings, on land used for forestry purposes. However, in order for the permitted development right to be available, the development must be "reasonably necessary" for the carrying out of forestry.
5. The appeal relates to a site of around 9.1 hectares used, following a grant of planning permission in 2017¹, for the cultivation of trees. The 2017 permission allowed the erection of two buildings on the site, a barn and an L-shaped seed/plug house (with office). At the time of my site visit, most of the trees planted across the site were very young saplings. I note the appellant's comment that for a variety of reasons (including planning disputes and the impacts of the Covid epidemic), the tree-growing business still appears nascent rather than well-established. The two permanent buildings permitted in 2017

¹ LPA Ref: W17/0092; development described as "erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site".

have been constructed; they are substantial blockwork buildings with tiled roofs. There are also three polytunnels, a static caravan (described as providing welfare facilities), and a temporary building and two shipping-type containers used for storage of tools, machinery and fertilisers.

6. The appellant describes the existing seed/plug house as operating at a reduced capacity due to part of the building being used for storage, and the existing barn as being “far too small for the daily needs of this farm”, the need to protect equipment and stores from theft, and the requirement to keep fertilisers under lock and key. The appellant therefore wishes to erect a third permanent building on the site to store plant and equipment, as well as straw or hay to protect trees from frost. This would be intended to replace the three temporary storage structures on the site.
7. The appellant has referred to an application for prior approval which the Council refused in July 2023². That was for a building which would have measured approximately 18m by 10m, with an eaves height of around 4m, to be used for the storage of implements and hay. The Forestry Commission advised the Council in respect of that proposal that “the only viable purpose for storing hay in a forestry capacity would be for mulching trees during the establishment phase” right at the start of the planting process in the spring, and that a permanent storage facility for hay would not therefore be required. The Council’s officer report in respect of the appeal scheme prior approval application focussed again on the storage of straw or hay, and indeed the submitted drawings for the appeal scheme still show an area within the proposed building given over to the storage of straw or hay.
8. The proposal before me now is for a building around 14.4m long and 7.1m wide, with a double pitched roof with an eaves height of around 3.5m and a ridge height of around 4.75m. It would therefore be somewhat smaller than the building refused approval in July 2023. A relatively small part of the building – roughly perhaps a sixth or a fifth of the building – is shown as being used for the storage of hay or straw. The remaining space is shown as being given over to the storage of a trailer, a mulcher/shredder, an insecticide sprayer, mowers and “various equipment”, and tools.
9. At the time of my site visit, while there was equipment as described being stored on the site, large parts of the two existing permanent buildings, especially the barn, appeared to be used for the haphazard storage of paraphernalia not obviously related to forestry. This included various items such as domestic furniture, children’s toys and so on. I note the appellant’s comment that a child’s plastic tractor in the barn is for his young grandson to play on when he visits the site. The presence of such an item would not on its own be a determinative factor. However, large parts of the buildings did not appear to be being used either for activity or storage which was obviously related to forestry; the overall impression I got from my visit was of buildings with substantial amounts of space being under-utilised and, effectively, wasted.
10. Given the apparently relatively early state of the business’s development, it has not been explained why such quantities of machinery and equipment would need to be stored permanently on the land. I recognise that, as the appellant explains, as more trees are planted on the site there may well be a need for more supplies to be on hand so that growing trees can be cared for. However,

² LPA Ref: W/23/0448/AG

based on all the evidence before me, including what I saw during my site visit, it was not apparent to me that such storage as might be necessary could not be accommodated in the existing buildings for the foreseeable future.

11. The appellant has drawn my attention to two appeal decisions, one in Dartmoor National Park³ and one in South Gloucestershire⁴, in which Inspectors concluded that various buildings, including for the storage of plant and equipment, were reasonably necessary for forestry purposes. However, those cases related to situations in which there were not already other buildings suitable for storage on the site, as far as it is possible to tell from the limited information within the appeal decisions themselves. The circumstances of those cases do not therefore appear to be directly comparable to those before me, and they do not justify my making a different decision in this appeal.
12. I note the comments submitted by interested parties, but issues related to the adjacent canal moorings/marina (also developed by the appellant) are not connected to the main issue in this appeal. I also note comments that the site is within the Green Belt, but the relevant part of the GPDO does not exclude land in the Green Belt and it is not a determinative factor in this appeal.
13. However, for the reasons which I have set out above I cannot be satisfied that the proposed building is reasonably necessary for the carrying out of forestry on the land. The building cannot therefore be considered to be permitted development under Part 6, Class E of the GPDO. Given this finding, it is not necessary for me to consider whether the scheme complies with the restrictions set out in Paragraph E.1. or the conditions (including the prior approval matters) set out in Paragraph E.2, as this could not alter my overall decision.

Conclusion

14. I conclude that the proposal would not be permitted development as provided for by Schedule 2, Part 6, Class E of the GPDO. The appeal is therefore dismissed.

M Cryan

Inspector

³ PINS Ref: APP/J9497/W/15/3140928 (and other linked appeals)

⁴ PINS Ref: APP/P0119/W/15/3003480