



Appeal Decision

Site visit made on 19 September 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/E2001/W/24/3340821

Land South East of Manor House Farm, Withernwick, East Riding of Yorkshire HU11 4TL

- 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 Dawn Dickinson against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00384/AGNOT.
 - The development proposed is the siting of two shipping containers to store and process timber.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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 Order) for the siting of two shipping containers to store and process timber at Land South East of Manor House Farm, Withernwick, East Riding of Yorkshire, HU11 4TL in accordance with the application 24/00384/AGNOT and the details submitted with it and the conditions as set out in paragraph E.2.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.
 3. Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) permits the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of, amongst other things, works for the erection, extension or alteration of a building. Paragraph E.2(1)(a) of Class E requires (amongst other things) the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
 4. The Council considered that the proposed development was not reasonably necessary for the purposes of forestry as there was insufficient evidence to suggest that the land is used for forestry. As a result, the Council did not consider that the proposed development met the requirements of Schedule 2, Part 6, Class E.
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5. Following the submission of information, which was not before the Council at the time of its decision, the Council now consider that the proposed development would be reasonably necessary for the purposes of forestry at the site. The Council consider that the development could be carried out as permitted development under Schedule 2, Part 6, Class E and invite me to allow the appeal.

Main Issue

6. The main issue is whether or not the proposed development is reasonably necessary for the purposes of forestry on the land, and whether or not sufficient evidence has been submitted to demonstrate the land is used for the purposes of forestry.

Reasons

7. The appeal site is located outside the village of Withernwick to the south-east of Manor House Farm. It comprises a wooded area which the appellant outlines contains over 6000 native trees.
8. The building subject to the appeal would be for the storage of forestry machinery, equipment and tools. It would include a workshop for the processing of felled timber. This would involve cutting and splitting into logs for domestic burning. There would be an area for the storing and seasoning of logs.
9. It is not now in dispute between the main parties that the proposed development would be reasonably necessary for the purposes of forestry on the land which is used for the purposes of forestry.
10. Based on the submitted evidence, and my own observations on my site visit, I have no reason to form a different view. I am satisfied that the proposed development is reasonably necessary for the purposes of forestry on land which it has been demonstrated is used for the purposes of forestry.
11. The proposed development therefore constitutes permitted development under Schedule 2, Part 6, Class E of the Order.

Conclusion

12. For the reasons given above the appeal should be allowed and prior approval is not required.

A M Nilsson

INSPECTOR