



Appeal Decision

Site visit made on 7 May 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/C1435/W/24/3353550

Land adjacent to Adamswell Crossing, Broom Lane, Broadwater Forest, East Sussex TN3 9JL

- 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 Christopher Morris against the decision of Wealden District Council.
 - The application Ref is WD/2024/7014/AD.
 - The development proposed is forestry shelter and possible tool/equipment store for use on site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision did not refer to the development having begun. I have invited and considered comments on this matter from both main parties.

Main Issue

3. To benefit from the provisions of Schedule 2, Part 6, Class E of the General Permitted Development Order the proposed development must comply with the conditions set out in paragraph E.2.
4. This includes, at (a), that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building and, at (c), that the development must not begin before the occurrence of either; a written notice of the Council's determination that prior approval is not required; the giving of such approval, or; the expiry of 28 days following the date on which the application was received without the local planning authority notifying the applicant of their determination. In short, prior approval cannot be granted for development that has already begun, even if it is not completed¹.
5. The main issue in this appeal is whether the prior approval application or appeal was made "before beginning the development" as required by conditions E.2(a) and (c).

¹Winters v SSCLG & Havering LBC [2017] EWHC 357 (Admin).

Reasons

6. The application includes several references to the erection of the cabin having already begun. Photographs of the partially completed cabin have been supplied, and I saw it for myself during my site visit.
7. The appellant feels they followed advice from the Council. In assessing the application, the Council focused on whether the cabin is reasonably necessary for the purposes of forestry. However, the development has already begun and so cannot benefit from prior approval. The appeal must therefore be dismissed, and it has not been necessary for me to form a view on whether the cabin is reasonably necessary.
8. Furthermore, given the context set out above the planning merits of the development are not material, and I have formed no view on them. This determination has no bearing on any application, whether for planning permission or otherwise, the appellant may subsequently make in respect of the cabin.
9. The appeal is dismissed.

A Knight

INSPECTOR