



Appeal Decision

Site visit made on 29 July 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Appeal Ref: APP/W1525/W/25/3367430

Gay Bowers Farm, Bakers Lane, West Hanningfield, Chelmsford, Essex CM2 8LD

- 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 Maxwell-Smith against the decision of Chelmsford City Council.
 - The application Ref is 24/01613/AG.
 - The development proposed is described as “woodland management building to be used in association with the management of an existing woodland (this application is submitted under Part E of Class 6, relating to forestry development, not agricultural development).”
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Decision

1. The appeal is allowed and prior approval is deemed to be granted 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 a woodland management building to be used in association with the management of an existing woodland at Gay Bowers Farm, Bakers Lane, West Hanningfield, Chelmsford, Essex CM2 8LD in accordance with the application 24/01613/AG dated 20 November 2024 and the details submitted with it including plan nos R8.P02; R8.P101; R8.LP01 and R8.BP01.

Preliminary Matters

2. The description of development in the header above is taken from the application form. I have revised the wording slightly in my decision to remove superfluous text in the interests of clarity. I am satisfied that the main parties have not been prejudiced by this approach.
3. The Council's decision notice referred to plan reference R8.P01 which differs from the plan I have before me. The Council have confirmed that this is a typographical error and that the correct drawing number is R8.P101. The Council have also confirmed that the application was assessed against Class E of Part 6 of the Order, not Class A as referred to elsewhere within the decision notice.

Background and Main Issues

4. Under Article 3(1) and Schedule 2, Part 6, Class E of the Order, planning permission is granted for, amongst other things, the carrying out on land used for the purposes of forestry, development reasonably necessary for those purposes including works for the erection of a building. This is subject to limitations and conditions.

5. Sub-paragraph 1(a) of E.2 requires 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. In this case, the Council have refused prior approval, but on the basis that they do not consider the building to be reasonably necessary for the purposes of forestry.
6. It therefore follows that the main issues in this appeal are:
 - whether the proposed development would be permitted development through Article 3, Schedule 2, Part 6, Class E of the Order, and
 - if so, the effect of the siting, design and external appearance of the proposed building.

Reasons

Permitted development

7. In determining whether the proposed building would be permitted development, it is required to establish if it would be reasonably necessary for the purposes of forestry. The appeal site includes an existing woodland of approximately 11.2 hectares in extent which is an ancient woodland, protected through a tree preservation order (TPO).
8. The proposed building would be on an open part of the land outside of a 15metre woodland buffer zone, albeit it would still physically be closely related to the woodland to which it would serve. The appellant states that the building would be used to provide secure storage space for plant and machinery relating to the management of the woodland. It would also provide storage for timber sourced from the woodland.
9. The Order does not require the decision maker under assessment of Class E to have specific evidence of existing forestry activity or viability of any related forestry business. Whilst a management plan may provide an indication of any planned forestry works, the production of one is not a pre-requisite to demonstrate a forestry use. The level of forestry activity will be dependent on the needs of each specific woodland, and whilst as suggested by a dictionary definition, it may include obtaining wood, this may not be the primary activity for every woodland.
10. The appellant's statement includes lists of the type of tools, machinery and other equipment which would be typically used for woodland management. The Council contend that because Temple Grove is an ancient woodland, the aims for its management are likely to be geared towards restoration and preservation rather than felling. It is therefore questioned whether some of the larger items of machinery listed by the appellant would be required.
11. During my site visit, I did observe some equipment, storage containers and log piles of timber on land within the appeal site. However, I do not have the precise details of the plant and machinery which would be stored inside the proposed building, or the extent of the timber which would be sourced from the woodland.
12. Nevertheless, given the extent of the woodland, it is conceivable that forestry activity will need to take place to appropriately manage the ancient woodland, even if most of this activity will likely need to be agreed through separate TPO applications. It would not be plausible for the appellant to justify every piece of

equipment which would be stored in the building and therefore it is beyond the remit of this appeal for me to assess the size of the items. The types of machinery and equipment referred to by the appellant, and observed on site, to carry out these activities would reasonably need to be securely stored away from the elements, in a convenient location close to the forestry activities taking place.

13. Unlike other classes within the Order, Class E does not set specific limits on the size of a forestry building other than within 3km of the perimeter of an aerodrome which is not the case here. From the evidence before me, the proposal is not for the provision or alteration of a dwelling, nor within 25metres of a trunk or classified road, and would not be used for storing fuel for or waste from a biomass boiler. Therefore, none of the restrictions set out in paragraph E.1 apply.
14. Based on these reasons, I find that the appeal proposal would be reasonably necessary for the purposes of forestry and would therefore be permitted development through Article 3, Schedule 2, Part 6, Class E of the Order.

Siting, design and external appearance

15. The appeal site is located within the Green Belt where the sensitivity of the landscape is a valid consideration reinforced by the protection given to the Green Belt by the National Planning Policy Framework (the Framework).
16. The proposed building would be within a grassed field adjacent to a significant area of ancient woodland. This woodland would partially screen the development from the majority of vantage points. Whilst the proposed building may be visible in glimpsed views from Bakers Lane, it would not be a prominent feature of the landscape, particularly given the existence of similarly scaled buildings within a business park on the opposite side of Bakers Lane. As such, I do not find that the siting of the building would be unduly prominent. It would not harm the character and appearance of the area including in the context of its Green Belt designation.
17. The design and external appearance of the building would have a utilitarian form compatible with the rural environment in which it would be experienced. Accordingly, I find that the siting, design and external appearance of the building would not result in harm to the surrounding area.

Other Matters

18. The Council have referred to ongoing legal action in relation to unauthorised tree works within the woodland. This is not a matter which is relevant to the appeal before me, in which I am required to have regard to Article 3(1) and Schedule 2, Part 6, Class E of the Order.

Conditions

19. The proposal is subject to the conditions set out in paragraphs E.2(e) and E.2(f) of the Order. These specify that development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details approved. It is also stated that development must be carried out within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph E.2(b) of the Order.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is deemed to be granted.

L Gardner

INSPECTOR