



Appeal Decision

Site visit made on 12 August 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/X1545/W/25/3366556

Meadows Barn, Bassetts Lane, Woodham Walter, Essex CM3 4BZ

- 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 Mark Nicholson against the decision of Maldon District Council.
 - The application Ref is 24/00860/AGR.
 - The development proposed is a prior notification for forestry building.
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Decision

1. The appeal is allowed and prior approval is 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) for a forestry building at Meadows Barn, Bassetts Lane, Woodham Walter, Essex CM3 4BZ in accordance with the application 24/00860/AGR and the details submitted with it including plan nos 23.7928/M002 'Location Plan', MMBL/GAELPR01 PDR2 'As Proposed Elevations', MMBL/GAFPPR01 PDR2 'As Proposed Forestry Building', MMBL/GASPPR01 PDR 'As Proposed Site Plan'.

Preliminary Matters

2. No description of the development was given on the application form, so I have used the description from the appeal form in the banner heading above as this is the same as the Council's decision notice. However, I have amended the description in my formal decision above to omit superfluous wording.
3. 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 GPDO), set out that on land used for the purposes of forestry, the erection of a building reasonably necessary for the purposes of forestry is permitted development, subject to limitations and conditions. Paragraph E.1 sets out a list of criteria by which development is not permitted by Class E. There is no dispute between the parties that the appeal proposal adheres to these criteria. I see no reason to come to a different conclusion and have determined the appeal on this basis.
4. Paragraph E.2 requires that where the erection of a building is proposed under Class E, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required in relation to the siting, design and external appearance of the building.
5. The Council's decision notice states that planning permission is required but does not explicitly state that prior approval was refused. Looking at the notice as a whole,

including the accompanying officer report, it is reasonable to read the notice as a refusal of prior approval.

6. The Council has confirmed that the plans listed on the decision notice erroneously refer to an incorrect drawing number for the 'As Proposed Elevations'. It has confirmed that its decision was based upon the plans submitted with this appeal and I have determined the appeal on this basis.

Main Issues

7. The main issues are:

- whether the proposed development would constitute permitted development under Schedule 2, Part 6, Class E of the GPDO, having regard to whether the development is reasonably necessary for the purposes of forestry; and
- if so, whether the siting, design and external appearance of the building would be acceptable.

Reasons

Whether reasonably necessary for the purposes of forestry

8. The evidence states that the appeal site comprises an approximately 0.48-hectare (ha) parcel of land accessed off Bassetts Lane via a gated entrance and unmade track. This land is part of the appellants wider land holding which includes two woodlands with an existing canopy cover of approximately 2.37ha.
9. The Woodland Management Plan (WMP) dated June 2024 states that the current canopy cover of the appeal site is 45% and the canopy cover of the larger woodland area is 55%. With additional planting, the canopy covers are planned to increase to 65% and 75% respectively. The appellant proposes to harvest the woodlands to provide wood to fuel a biomass boiler which would heat a holiday barn in the appellant's ownership. There is disagreement over whether the appeal site should be classed as an established woodland itself. However, there are no size thresholds set out in the GPDO for an area to be classified as a forest, nor is there a definition of what constitutes a forest.
10. The proposed building would have a central bay measuring approximately 6m wide by 12m deep with two 6m by 6m projecting side bays. The building would be clad with black stained timber with a red clay tile roof and timber doors. It is intended to provide a storage area for a tractor, trailer, machinery and tools, areas for storing raw forestry harvest, a wood chipping machine and for chipping works to take place.
11. To be 'reasonably necessary' for the purposes of forestry, Part 6 of the GPDO does not require a detailed analysis of floorspace requirements. Nonetheless, the appellant's evidence explains why a building of the scale proposed is considered necessary to support the forestry operations. The appellant states that 5 cubic metres (m³) of timber would be cut and processed every 3 months. The biomass boiler is estimated to use approximately 20m³ of wood chip a year and approximately 40m³ of wood chip would need to be stored at any one time to provide a year's supply for use and a year's supply of drying chip in reserve. I have no reason to doubt the accuracy of these figures. Space is also required for storing the chipping machine, raw materials and equipment.

12. I note the Council's comments about the practicalities of the location of the chipping machine and raw materials within the building and that it would be necessary for the chipping machine to be brought into the building via the central door. However, the size of the proposed building is not excessive when compared with the requirements of this forestry operation and its design would not be incompatible with the intended use. Moreover, I note that there are no size restrictions or thresholds set out in the GPDO in relation to the maximum size of the building relative to the land holding it would serve. The appellant also states that they do not have any other buildings suitable for this purpose.
13. From the evidence before me, there is sufficient area of woodland within the appellant's ownership which is subject to the WMP, to demonstrate the need for the provision of the proposed building in association with the activities and storage requirements described. The building would be located on land that is separate from the larger woodland and would have to be accessed via Bassetts Lane. However, the forestry building would not be a significant distance away from the larger woodland and there is no substantive evidence that utilising Bassetts Lane to transport harvested materials would result in any unacceptable effect.
14. The Council states the proposal would not conflict with any of the other specified exceptions and limitations under paragraph E.1 of Class E and I see no reason to come to a different conclusion.
15. For the above reasons, I therefore conclude that the proposed building is reasonably necessary for the purposes of forestry and constitutes Permitted Development under Schedule 2, Part 6, Class E of the GPDO.

Siting, design and external appearance

16. The building would be positioned well back from the boundary with the highway, broadly centrally within the land and accessed via the existing access point off Bassetts Lane. Whilst it would be sited separately from the larger woodland area, it would not be a significant distance away and would be easily accessible via road. It would also be positioned adjacent to the smaller woodland and would therefore be appropriately sited in a location that would be suited to its intended use. I also acknowledge the preference to site the building on the smaller parcel of land to maximise additional planting at the larger woodland and locate the chipping operations away from where the majority of nearby residential properties are located.
17. The building would be set well into the site and would be partially screened by established vegetation around the side and rear boundaries. This would reduce its prominence in the street scene, provide visual containment and help to assimilate the building into its surroundings. The proposal would be visible from certain vantage points along the highway. However, its simple form and traditional construction is typical of farm and forestry buildings. The use of timber cladding would also ensure that the design and external appearance would be in keeping with its functional and visual context as a working building on a managed forestry holding.
18. The size of the building would be appropriate given the space required to store the raw and processed wood and associated equipment. Moreover, its height, design and appearance would be of a typical 'Essex Barn' which would be read as a traditional building within a wider countryside landscape, broadly commensurate with the use and the surrounding context. As such, it would not be unduly prominent or incongruous. I note the Council's concern regarding the domesticated design of the building. However,

the design of the building does not appear particularly domesticated, and I can only have regard to the evidence before me regarding the intended use as described by the appellant. Nevertheless, the use of timber joinery would not be inappropriate for a forestry building.

19. For the above reasons, I therefore conclude that the siting, design and external appearance of the building would be acceptable.

Other Matters

20. The Parish Council query whether the proposal complies with certain parameters of Class A of Part 6, Schedule 2 of the GPDO including the size of the land holding, appeal site and use of the land within the appellant's wider ownership. However, as a forestry building the relevant class against which the proposal is assessed is Class E, which does not have the same limitations and conditions as Class A, which relates to agricultural buildings.
21. Reference has also been made to an emerging Neighbourhood Plan. However, the Council has not drawn my attention to any relevant adopted or emerging development plan policies. However, the development plan is not determinative in respect of prior approval applications in any event.

Conditions

22. Any planning permission granted for the proposed building under Article 3(1) and Schedule 2, Part 6, Class E of the GPDO is subject to conditions set out in paragraphs E.2(e) and E.2(f). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details approved and must be carried out within a period of 5 years from the date on which approval was given.
23. The Council has suggested several additional conditions; however, these appear to relate to developments permitted under Class A of Part 6, Schedule 2 of the GPDO and therefore are not relevant to developments considered under Class E of the same Part. As such, I have not attached these conditions.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

H Whitfield

INSPECTOR