



Appeal Decision

Site visit made on 2 September 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2025

Appeal Ref: APP/H1033/W/25/3362074

Toddbrook Ancient Woodland and Adjacent Grassland, Start Lane, Whaley Bridge, Derbyshire SK23 7EJ

- 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 GPDO).
 - The appeal is made by Mr Tom Williams against the decision of High Peak Borough Council.
 - The application Ref is DET/2024/0026.
 - The development proposed is basic storage shed for forestry chipper and quad and ancillary forestry equipment.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council's second reason for refusal refers to the application being incomplete, including conflicting information about the size and appearance of the building. The Council refers to a 'planning statement' which it contends includes details which do not reflect the dimensions of the buildings on submitted plans, as well as other details including reference to a green roof and tracked changes referencing Figures that were not submitted. I have been provided with copies of the 'Toddbrook Wood Supporting Document' which reflects the issues raised by the Council.
3. The submitted plans show an open-sided building of dimensions which differ from those stated in the Supporting Document. A photograph has also been submitted showing a building with enclosed elevations. However, I consider that the dimensions in the Supporting Document have been given in error and that the photograph is only indicative, as is a reference to doors on the front elevation. The matter of a green roof and the enclosure of elevations could be addressed by conditions. Furthermore, a variation in the plans showing the building with and without a canopy is a minor matter of detail. For the avoidance of doubt, I have based my decision on the submitted plans and not the conflicting details in the Supporting Document.
4. The Council questions whether the proposed building is reasonably necessary for the purposes of forestry. However, the principle of whether the proposal falls within the permitted development right of Class E has not been referred to in the Council's reasons for refusal. A Delegated Decision Report which considers whether the proposal complies with the GPDO also does not identify any conflict with Schedule 2, Part 6, Class E. Based on the evidence before me, the Council

does not actively dispute that the proposal could be permitted development, although it has concluded that prior approval is required. This appeal therefore relates only to the prior approval matters of the siting, design and external appearance of the building.

5. On that basis, the main issue is the effect of the siting, design and external appearance of the building.

Reasons

6. The appeal site includes an area of woodland which is a designated Ancient Woodland and forms part of a Derbyshire Wildlife Site that covers Scar Wood and Todd Brook. It is also subject to a woodland Tree Preservation Order. The Council specifies that the site forms part of the Settled Valley Pastures landscape character area as defined in the High Peak Local Plan 2016.
7. On the matters of design and appearance, the proposal would be a sizable building in a sensitive open area on the edge of the ancient woodland. As such, the development would represent an encroachment of built form into a high quality undeveloped landscape.
8. The appellant contends that the scale of the structure is justified by the need for a chipper and all-terrain vehicle (ATV) to transport the chipper around the site. Based on what I have seen and read, this equipment would be reasonably related to the form and scale of the forestry operations. However, the details of the chipper and ATV submitted by the appellant indicate that these could be stored in a much smaller building than that proposed.
9. Reference has also been made to the use of the building as a shelter and drying area for workers. However, even if those facilities could not be provided by vehicles or temporary facilities on the site, it has not been demonstrated that this justifies a building of this scale.
10. The proposal would not be sited in a prominent location. The proposed location also addresses a recommended buffer zone from the woodland. On that basis, I find that the siting of the proposal is acceptable. Nevertheless, this does not justify a development of an unwarranted scale in an otherwise undeveloped location. Although the siting of the building is acceptable, the design and appearance of the proposal also need to be assessed. In this respect, the scale of the building is a material consideration.
11. Viewed objectively and in the context of forestry operations on the site as well as the undeveloped nature of the area, the design and appearance of the proposal is of an excessive scale. Although the open sided nature of the building would reduce its bulk and the use of materials may be appropriate, this does not mitigate for the harm arising to the character and appearance of this undeveloped area due to the excessive scale of the building.
12. The Council refers to the loss of biodiversity. However, although the building would affect a limited extent of grassland, it is linked to works for rhododendron removal and the enhancement of woodland which would improve biodiversity. On balance, I consider that the proposal is part of a wider project which would lead to a net gain in biodiversity. The Council also refers to the site being in the Green Belt. However, the National Planning Policy Framework specifies that buildings for

forestry are not inappropriate development in the Green Belt, and this matter does not therefore weigh against the proposal. Notwithstanding my consideration of these issues, this does not lead me to a different conclusion on the prior approval matters including the effects of the design and external appearance of the building.

13. Drawing the above together, although I am satisfied that no harm would arise from the siting of the proposal, the design and external appearance of the building would harm the character and appearance of the area due to its excessive size.

Other Matters

14. The appellant refers to the non-determination of the application. However, the Council sets out in its Statement of Case that it has determined this proposal within the appropriate timescales. I have therefore determined this appeal on that basis.
15. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. Reference is also made to the potential serving of a compulsory purchase notice and use of temporary structures. However, these are not matters for this appeal which I have determined within the scope of the GPDO.
16. The Council has referred to an Appeal Decision¹ at Gralerie Woods in Devon which considered whether a proposal was reasonably necessary for the purposes of forestry. However, that appeal related to a Certificate of Lawful use or Development, and therefore raises different issues compared to an appeal relating to prior approval. That Appeal Decision also referred to existing storage on the site which does not reflect the circumstances of the appeal before me. The appellant also refers to what they consider to be comparable development in the landscape. However, no substantive evidence has been provided to demonstrate that those developments are a direct parallel to the appeal proposal on matters including the design, external appearance and the context of associated operations. The examples elsewhere referred to do not therefore lead me to a different conclusion on the appeal proposal, which I have assessed on its own merits.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

¹ APP/J9497/X/10/2127979