



Appeal Decision

Site visit made on 2 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/R1010/W/25/3367844

17 Kingfisher View, Clowne, Derbyshire S43 4GP

- 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 Kool Forestry Limited against the decision of Bolsover District Council.
 - The application Ref is 24/00565/AGRDET.
 - The development proposed is storage building for forestry use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been amended from that on the application form to omit reference to agricultural use. Written correspondence confirms that the proposed storage building would be solely for forestry use, and I have considered the appeal on that basis.

Background and Main Issue

3. Part 6, Class E of the General Permitted Development (England) Order 2015 (the GPDO) permits the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes, including the erection of a building. However, the Council argues that the proposed development would not qualify as permitted development in this case as the land is not used for forestry purposes and the erection of the proposed building would not be reasonably necessary.
4. The main issue is therefore whether or not the land is used for forestry purposes and if so, whether or not the proposed building would be reasonably necessary for those forestry purposes.

Reasons

5. The site of the proposed building is within a moderate sized plot of land beyond the rear gardens of residential dwellings. Approximately half of the land comprises relatively flat grassland, within which the proposed building would be sited. The remainder of the land includes a relatively steep cliff and banking, with mature vegetation and trees. Some tree planting has already occurred in both small fields and further preparatory works undertaken, such as hole creation, to facilitate further planting.

6. In the absence of definitions in planning law of 'forestry' and 'afforestation', which are cited within the wording of Class E, and the associated word 'forest', I am directed to consider the ordinary meanings of the words to understand the provisions of Class E.
7. The Council's evidence sets out the Oxford Dictionary's definition of 'forest' as a large area of land covered in trees and plants, usually larger than a wood, 'forestry' as the science and practice of planting, managing and caring for forests and 'afforestation' as the process of planting areas of land with trees to form a forest. I am not provided with any alternative definitions.
8. Whilst the conditions of Class E do not require a land size threshold to be met, I need to consider whether the land in this case can be reasonably described as a forest for forestry purposes to be relevant. I was able to walk around and observe the entire plot of land within a relatively short space of time. The land area is not sufficient in size to be considered as a forest, even when accounting for the existing mature tree belt and the planned planting of an additional 200 trees.
9. The appellant submits that the National Planning Policy Framework and case law support the provision of storage and shelter buildings for small-scale or remote forestry operations. However, no substantial details have been provided, and I am not satisfied that the circumstances in these cases are similar to that before me now.
10. It follows that, in the particular circumstances of this case, the land is not used for forestry purposes, and the proposed building cannot therefore be considered as associated permitted development. Accordingly, I find that the conditions and limitations of Class E of the GPDO have not been met.
11. Given that the proposal cannot be considered as permitted development under Class E, it is not necessary to proceed to consider the matter of reasonable necessity.

Other Matters

12. The appellant asserts that the proposal should be deemed consent given that the Council failed to issue a decision within the required 56-day statutory determination period.
13. The application was submitted on 5 December 2024. The Council issued the appellant with a letter dated 10 December 2024 stating that they did not consider that the proposal was permitted development under Class E of the GPDO. Looking at the letter as a whole, it is reasonable to read it as the decision to refuse the application for prior approval. Therefore, consent is not deemed to be granted. Reference was made in the letter to Class C of the GPDO in error, which has been confirmed by the Council. Subsequent correspondence refers to the correct Class.
14. In any case, if the Council had failed to determine any prior approval application within the statutory period, the developer could not proceed with development which is not in fact permitted by the GPDO.
15. The appellant states that the land has benefitted from other permitted development rights. However, no substantiated evidence is before me, and I am therefore unable to determine whether comparisons can be made with the current appeal proposal.

16. Various benefits of the proposed development have been referenced in evidence by the appellant, such as preserving and enhancing the natural landscape character, protecting geological and ecological features of significance, providing a secure on-site operational base and supporting the Northern Forest planting programme. However, in prior approval applications the decision maker has no discretion, or ability to use planning balance, outside of the matters specifically set out within the GPDO. I am therefore unable to take such alleged benefits into consideration in this case.

Conclusion

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

L Fern

INSPECTOR