



Appeal Decision

Site visit made on 4 November 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/C1570/W/25/3371939

Darwell wood, High Easter Road, Leaden Roding CM6 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Jade Scopes against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2863/FUL.
 - The development proposed is for the erection of a forestry building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a forestry building at Darwell wood, High Easter Road, Leaden Roding CM6 1QQ in accordance with the terms of the application, Ref UTT/24/2863/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have updated the development description, to provide a more precise development proposal as detailed in the Council's decision. However, the term 'retrospective' is not an act of development and I have omitted it. On my site visit I viewed that the forestry building had been fully constructed. I have considered the detailed original description provided by the appellant that provided significant supporting information.
3. During the appeal I considered using a condition to change the colour of the windows on the forestry building. The appellant confirmed that in case a condition was used they would change the windows to either permanent dark brown or black (matte) colour.

Main Issues

4. The main issues are:
 - Does the development in this form need to be located here.
 - The effect of the proposed development on the character and appearance of the surrounding area
 - Effect of the proposed development on ecology.

Reasons

Requirement of development

5. The proposal is for a forestry building that is sought to provide shelter, first aid facilities, equipment storage and storage/processing of timber.

6. Policy S7 of the Uttlesford Local Plan 2005 (Local Plan) states that 'In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area... There will be a strict control on new building'. It is firstly noted that the Council recognises that this policy is not fully consistent with the National Planning Policy Framework 2024 (Framework) in that the Local Plan policy is restrictive, while the Framework is positively worded.
7. The Framework under paragraph 88 states decisions should enable 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings'. In addition, paragraph 89 makes it clear that these buildings must be 'sensitive to its surroundings'. Given the age of the Local Plan and the partial conflict with the Framework, I have placed greater weight on the Framework in relation to the in principle positive approach to rural businesses.
8. Paragraph 187b of the Framework states 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.
9. Paragraph 193 of the Framework states 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused'.
10. The Forestry Commission has provided some advice and context of the site. This includes that the existing felling license for the woodland expires in 2032, though is for a much larger site of 11 hectares. It also states that the forestry building should be sized to the reasonable running of forestry operations and not for any other purposes. Therefore, it is accepted that the existing situation, prior to the development, allows for trees within this Ancient Woodland to be felled.
11. The Council has referred to a previous appeal decision where a slightly larger forestry building was allowed, though for a significantly larger area of coppice woodland. However, the exact details of this appeal have not been provided and in addition the appeal predates both the Local Plan and the Framework.
12. While the overall wood managed by the appellant is relatively small, the need for reasonable space to store timber being processed and to provide reasonable shelter is unlikely to vary greatly. From the evidence provided the building is of a reasonable size to provide shelter for the workforce, storage equipment and timber, as well as providing space for first aid and allow for ecological management. While it is unlikely that the building is the minimum size required, it is not unreasonably oversized.
13. On this issue I conclude that the forestry building is of a reasonable size and required for forestry management. On this basis it complies with the Framework that positively supports the principle of rural business expansion.

Character and appearance

14. While Policy S7 of the Local Plan conflicts with the Framework regarding the principle of the development, the need to preserve or enhance the countryside is in

line as the Framework requires new rural business buildings to be well designed and to be sensitive to its surroundings.

15. The forestry building has black timber weatherboarded, with a black metal roof and has white windows. It is viewable from High Easter Road, though the building is mostly obscured. In addition, the building is viewable from the Public Right of Way footpath (PRoW) that crosses the field to the east. However, the view of the building is likely to be affected significantly by foliage cover and if the building is in shadow both of which will change during the year and day.
16. The most noticeable and alien feature of the building is the use of white windows, which stand out in the woodland setting and cause significant harm to the local character and appearance. However, a condition could be used to control the fenestration to allow for a colour that would better blend into the surroundings. The use of dark brown or black windows would be a suitable colour for the woodland character.
17. On this issue I conclude that the proposal would preserve the character and appearance of its woodland setting, subject to a condition to ensuring an appropriate colour for the windows. On this basis, the development complies with Policies S7 and GEN2 of the Local Plan that require preservation or enhancement of the countryside and overall good design. The development also complies with the requirements of the Framework, as detailed above.

Ecology

18. The site is in an Ancient Woodland which is an irreplaceable habitat. It is also noted that the site is a priority habitat by being a Lowland Mixed Deciduous Woodland, as well as a Local Wildlife Site. However, the site has a license to fell trees by the Forestry Commission. Therefore, a level of work is required in the Ancient Woodland to procure timber. I have concluded above that the forestry building is of a reasonable size to support the forestry activities on the site.
19. The Council and its ecologist specialists have concluded that biodiversity mitigation and enhancement measures could be put in place via condition. Therefore, the proposal would not lead to any harm in the long term.
20. I conclude on this matter that the proposal would not cause harm to the ecology of this Ancient Woodland. On this basis, it complies with Policies ENV3, ENV7 and ENV8 of the Local Plan that requires protection of biodiversity, trees and ancient woodlands, unless the need of the development outweighs the harm.

Other Matters

21. The appellant has provided details of how the Council came to its decision. However, the way in which the Council has dealt with the application is not a matter for me to consider in an appeal under section 78.
22. The entirety of the site has been placed under a Tree Preservation Order (TPO). This TPO was issued after the Council made the decision on the forestry building. However, the Council has not furthered any additional argument regarding the TPO or how it might affect the felling license. The Council provides no substantive evidence to demonstrate that felling cannot be undertaken in line with the felling license.

23. Some of the objections from the local community raise the issue of the forestry building being used for residential purposes. From my site visit I saw no indication that the building was being used as a dwelling, nor is the proposal seeking to have the building used in any domestic capacity.

Conditions

24. With the forestry building already constructed there is no requirement to put a commencement of time condition on.
25. To ensure clarity on the development a condition will still be required to confirm the approved plans.
26. The requested conditions from the Council regarding ensuring that ecological mitigation/enhancements, including the requirement for a Landscape and Ecological Management Plan is required to ensure that the damage to ecology is mitigated and enhanced. The condition relating to mitigation/enhancement will be slightly reworded to ensure compliance in perpetuity.
27. As detailed above, a condition is required to ensure an appropriate window colour for this building in its woodland setting.

Conclusion

28. For the reasons given above the appeal should be allowed.

A Phillips

INSPECTOR

Schedule 1 - Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers Location Plan, Block Plan and Proposed: Floor Plan and Elevations (Drawing 01 Revision 1).
- 2) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, January 2025) and Woodland Management Plan in perpetuity.
- 3) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within three months of consent.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The monitoring methodology in respect of the enhanced habitat to be submitted to the local planning authority; and
- j) Details of the content of monitoring reports to be submitted to the local planning authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the LEMP are achieved.

The enhanced habitat specified in the approved LEMP shall be managed and maintained in accordance with the approved LEMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and

objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

- 4) Within three months of consent, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, January 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

- 5) Within two months of the date of this decision, a scheme for the replacement / painting of the windows to an appropriate colour shall be submitted to and approved in writing by the Local Planning Authority, and that scheme be implemented within two months of that approval and retained in perpetuity.

If no scheme is submitted and implemented to the above timelines, then the use of the building shall cease and all equipment and materials shall be removed from site.