
Appeal Decision

Site visit made on 26 November 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal A Ref: APP/J9497/C/24/3353709

Land Northwest of the Old Station, Horrabridge, PL20 7RQ

- 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 Act').
- The appeal is made by Mr Kevin Shadrack against the decision of Dartmoor National Park Authority ('the NPA').
- The application reference is 0266/24.
- The development proposed is Erection of storage building for forestry.

Appeal B Ref: APP/J9497/C/24/3353701

Land Northwest of the Old Station, Horrabridge, PL20 7RQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ('the Act').
 - The appeal is made by Mr Kevin Shadrack against an enforcement notice issued by Dartmoor National Park Authority ('the NPA').
 - The notice was issued on 1 October 2024.
 - The breach of planning control as alleged in the notice is Without planning permission:
 - Operation (sic) development consisting of the importation and laying of hardcore/aggregate, and the creation of a raised hardstanding in the approximate position shown edged blue on the Plan.
 - Operation (sic) development consisting of the siting of a storage/shipping container marked with black hatching on the Plan.
 - The requirements of the notice are to: Permanently remove the hardstanding from the Land, including all debris and materials; and permanently remove the shipping container from the Land.
 - The period for compliance with the requirements is: 60 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) of the Town and Country Planning Act 1990 (as amended) ('the Act').
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: It is directed that the enforcement notice is varied by: omitting requirement 5.1 of Section 5 of the Notice 'What you are required to do' and removing the words "paragraphs 5.1 and 5.2" from Section 6 of the Notice 'Time for compliance' and replacing them with "paragraph 5.2". Otherwise, the appeal is dismissed, and the enforcement notice is upheld.

Procedural Matters

3. The appeals relate to developments on the same area of land. However, there are similarities in the arguments for each appeal and, as such, I have determined them in the same decision letter. However, each decision has been reached individually.
4. In Appeal A, the description of the proposed development differs between the application form and the NPA's decision notice. I have not been told that a change to the description was agreed, so I have used that from the application form.

Application for Costs

5. The Appellant has made an application for an award of costs against the NPA. This is the subject of a separate decision.

The Appeal Sites

6. The land that is germane to both appeals lies at the southwest edge of the village of Horrabridge, adjacent to the turning area at the end of residential development known as The Old Station. As this name implies, the land was formerly railway land, which mostly raised above neighbouring land on an embankment. The Appellant owns land that is well-treed on both sides of a cycleway that runs along this raised land.

Appeal A

Main Issue

7. The main issue is whether the proposed forestry storage building would be granted planning permission by Article 3, Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, ('GPDO').

Reasons

8. The permitted development ('PD') rights available for forestry developments, set out in Class E, are: "The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of - (a) works for the erection, extension or alteration of a building; (b) the formation, alteration or maintenance of private ways; (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways; (d) other operations (not including engineering or mining operations)".
9. Forestry development is not permitted where it does not accord with a list of criteria in Class E, E.1. A list of conditions relating to the PD rights in Class E is set out in Class E, E.2.
10. Where, amongst other things, a building is proposed, before the development is begun, a Prior Notification application has to be made to the local planning authority. It then determines whether prior approval is needed for the siting, design and external appearance of the building.
11. Here, I have to firstly determine whether the land is used for the purposes of forestry and then, if it is, to move on to assess whether the development is reasonably necessary for the purposes of forestry. Following this, an assessment of the prior approval issues shall be undertaken. However, if the answer to either of the first or second determinations is negative, there is no need to move on to the next stage.

Forestry Land

12. The report of the NPA's Tree Officer ('TO') describes the land as an area of woodland, some 0.32ha in extent, having a line of mature trees along its northeast boundary with 'naturalised' growth of, primarily, goat willow, birch, sycamore and oak elsewhere. From my reading of the report, this only describes the area of land

to the northeast of the cycleway, where the trees are protected by the terms of 'The Land at and adjacent to The Old Station, Horrabridge, Yelverton' Tree Preservation Order, 2024 ('TPO'). As I saw at the site visit, the Appellant also owns a narrow strip of treed land on the other side of the cycleway. Given its proximity to the site for the proposed building, I have taken both areas into account in my assessment of both appeals.

13. There is no definition of land used for the purposes of forestry in the GPDO. However, in its Statement of Case ('SoC') the NPA states that "a normal definition would be for 'the growing of a utilisable crop of timber'". This definition is found in paragraph 2(9) of Schedule 5 of the Act, which relates to the 'Power to impose aftercare conditions' for permissions for the working of minerals. It sets out how local planning authorities might attach conditions to bring land that has been used for mineral working to the required standard for a range of activities, including forestry. I find that the definition has been tailored to that narrow set of circumstances and should not be applied here.
14. The NPA further opines that the PD rights can only apply where a substantial area of land is covered by trees. However, I find that this is overly proscriptive. I would concur with an argument that the larger an area of land, the more likely PD rights would apply. However, there is no reference in Class E to a minimum area of land. This suggests to me that it is quite possible to use smaller areas of land for the purposes of forestry and that this is not limited "only" to substantial areas. Each area of woodland would need to be assessed individually, as a matter of fact and degree.
15. The TO acknowledges that certain woodland management operations are necessary at the site. These include woodland thinning of the natural regeneration there, and technical pruning of larger trees. Further, the TO supports the aims of the applicant to actively manage the woodland.
16. Therefore, notwithstanding the limited area of land involved, I find the evidence points to its being used for the purposes of forestry.

Reasonably necessary

17. The Appellant proposes erecting a flat-roofed timber shed on the land. The application form states that the shed would be 4m long by 2.5m wide, with a height to its flat roof of 2.5m. That length equates to a little over 13 feet. This differs from the length given for the building in the Planning, Design and Access Statement, which states that this would be 20 feet (a little over 6m). I have taken the measurement given in the application form to be correct, though my decision does not turn on this.
18. The Appellant says that he obtained professional advice from a tree expert to create a woodland management plan. That the Appellant sought this advice indicates that he saw the merit in such a plan, and, in his Planning, Design and Access Statement, he says that the expert advised that this would be "a useful approach to how best to look after the land".
19. No such plan has been submitted and whilst I understand the Appellant's comment regarding the cost involved in producing one, it is for him to show that the development is reasonably required. Such a plan would provide a good indication of this. It is not sufficient to rely on limited evidence, such as unspecified woodland

management operations having recently been undertaken on the land, that the land is subject to a TPO which indicates that management would be beneficial, and the support given by Officers to the management of the land.

20. I cannot find that the building is necessary to be able to store machinery and equipment, however, without a full understanding of what work needs to be undertaken to properly manage the trees on the land. Thus, I cannot conclude that the building is reasonably necessary. That the proposed building would be similar in size to a storage container does not change this finding.
21. The TO says that the woodland thinning he refers to are simple operations and can be undertaken with hand tools, that can be transported, to and from the site each day. In his view, the technical pruning operations on the larger trees would involve the use of specialist equipment that would be brought onto site for the short period that the work is undertaken and then removed on completion of the works. Those works, according to the TO, would require experienced contractors, using specialist equipment with appropriate certification and insurance.
22. Although I have been given no good reason to find against the TO's comments on the nature of the likely works and their technical requirements, I agree with the Appellant that it is not for the NPA to determine who does such work. However, without more detailed evidence of what the works to the trees on the land would entail, and the likely frequency of those works, the reasonable requirement for the building has not been demonstrated. Whether, as set out in the conclusion to the Appellant's Appeal Statement, it is "not convenient for him to transport tools, equipment, trailer, etc, to and from his residential home when working at the site" does not make the building reasonably necessary.
23. Overall, I find that the evidence in favour of the development is vague and fails to provide sufficient justification of the reasonable requirement for the building.
24. Although the question of whether a building is reasonably required could be dealt with when a prior notification application is made, there is nothing in Class E to say that the Council could not make the finding at the stage when details of siting, design and appearance have been submitted. No substantive case for this has been put forward to lead me to find otherwise. As the application was for a building only, the NPA's references to the hardstanding that has been created at the site are immaterial and I have given them no weight.
25. Having found that it has not been demonstrated that the building is reasonably required for the purposes of forestry on the land, there is no need to take the appeal further.

Conclusion on Appeal A

26. For the reasons I have given, I conclude that the appeal should be dismissed.

Appeal B

Ground (c)

Shipping Container

27. An appeal made under Ground (c) is that what is alleged in the Notice, if it has occurred, does not constitute a breach of planning control. This is a legal ground of

appeal where the onus lies with the Appellant to make his case on the balance of probability.

28. The Appellant's argument, here, is two-fold: that the container does not constitute operational development; and that the creation of the hardstanding was PD under the terms of Class E.
29. Section 55 of the Act defines "development" as the carrying out of building, engineering, mining or other operations in, on, over or under land and the making of any material change of use of buildings or other land. Section 336 defines a "building" as including "any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building".
30. The Appellant suggests four criteria to be used in the assessment of whether the container is a building. However, settled case law sets out three primary factors to be used: its size, degree of permanence and the manner of its fixing. None of the factors is, of itself, determinative; a fact and degree assessment must be undertaken on the basis of the individual characteristics of the development.
31. The container is fairly sizeable and the Council, in its SoC, states that it measures 6.06m long by 2.44m wide by 2.59m high. This has not been countered by the Appellant, so I take it to be the case.
32. In terms of the container's affixation to the land, the Council say that this would be by reason of its own weight. Its tare weight, 2180kgs, was displayed on its side. Notwithstanding that it is not connected to services, its weight is clearly sufficient to fix it to the land. That, as the Appellant says, it is not "placed upon foundations" is only part of the picture. It is sited on the hardstanding that has been created on the land. From what I could see of the nature of the surface of the remainder of the woodland, were it not for the hardstanding the container would sink into the land and it would be difficult to open its doors. This gives further evidence of its affixation to the land by way of its weight.
33. The Appellant originally brought the container to the land as a temporary measure, though no indication of how long it was intended to remain there was given. By the time that the Notice was issued, it had been on the land for a little under two years. The above does not necessarily mean that the container should be treated as a permanent feature, but it shows, at the very least, an intention to keep it on the land for quite some time.
34. The original intention for the use of containers was to transport goods from one point to another and thus be temporary, portable structures. However, their use as relatively cheap, longer-term storage solutions is commonplace. Given the absence of information as to how long it was proposed to be sited on the land and the length of time it has been there, this is how I find the container to be used.
35. For the reasons given above, and as a matter of fact and degree, I find that operational development, as defined in s336 of the Act, has occurred. The container should be treated as a building.
36. The arguments put forward in the Appellant's Ground (c) case, regarding the effect of the container on the character and appearance of the area, have had no bearing on my assessment.

37. Having found the container to be a building, I now look at the Class E PD rights. Its siting cannot be PD, as Class E Condition E.2(1)(a) states that the developer must, before beginning the development, 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. The siting has occurred and the PD rights cannot be applied retrospectively, so the Ground (c) in this respect fails.

Hardstanding

38. Similar arguments to those made in Appeal A, regarding whether the land is used for forestry purposes have been made here. For the reasons that I have set out, I find that the land can be classed as being used for the purposes of forestry.
39. The evidence, including that of my site visit, shows that the creation of the hardstanding was operational development, as defined in s55 of the Act. Whether this was an engineering operation or an other operation is a moot point. Both are, where shown to be reasonably necessary for the purposes of forestry, PD under the terms of Class E.
40. What has been formed is not a 'private way', that is also included within the list of PD in Class E. The term private way is not defined and, to my mind, it refers to something more akin to a track or roadway providing access to land or buildings, rather than the limited area of hardstanding around the gateway that has been created on the land.
41. Its purpose is principally to provide an area of off-highway parking. Having seen the nature of the land that has not been so surfaced, I can see how the hardstanding also allows for vehicles to park without getting bogged down or creating ruts as they enter, turn or leave the land.
42. In its submissions, the NPA stated that the works that are necessary for the management of trees on the land could be undertaken by the Appellant and contractors visiting the site. In the light of the lack of evidence to find otherwise from the Appellant, I agreed with this. However, the corollary of this is that there is a reasonable requirement for those visiting the site for the purposes of even limited forestry works to have a safe and useable parking area. The hardstanding provides this. As such, I will vary the terms of the Notice and allow this element of the Ground (c) appeal.

Conclusion on Ground (c)

43. For the reasons given above, the Ground (c) case in respect of the area of hardstanding has been made and, to that extent, the Ground (c) succeeds. The case for the retention of the container fails, however.

Ground (f)

44. The Appellant's case here relates to the area of hardstanding. As I have allowed his Ground (c) case in respect of this development, there is no need to take the matter further.

R Curnow

INSPECTOR