



Appeal Decision

Site visit made on 18 November 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Appeal Ref: APP/A0665/W/25/3372753

Dones View Farm, Northwich Road, Dutton, Northwich WA4 4HD

- The appeal is made under section 78 of the Town Country Planning Act 1990 (as amended) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Barry Devine against Cheshire West and Chester Council.
 - The application Ref is 24/01023/FUL.
 - The development proposed is erection of forestry building and alteration of access.
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Decision

1. The appeal is dismissed and planning permission for erection of forestry building and alteration of access is refused.

Applications for costs

2. An application for full costs has been made by Mr Barry Devine against Cheshire West and Cheshire Council. This application will be the subject of a separate decision.

Preliminary Matters

3. Although it did not issue a decision, the Council has since indicated that it would have refused planning permission. The reasons for this are set out within its statement of case and have informed the main issues that I have identified.

Main Issues

4. The main issues are:
 - whether the proposal would amount to inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework');
 - whether there is a demonstrated operational need for the proposal, and;
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Whether the proposal would be in appropriate development in the Green Belt

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It sets out that the construction of a new building in the Green Belt should be regarded as

inappropriate, unless it would constitute one of the exceptions set out in Paragraph 154. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Policy STRAT9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) states that within areas of the countryside within the Green Belt, additional restrictions will apply to development in line with the Framework.
7. It is contended that the proposed development would fall within the exceptions to inappropriate development set out in Paragraph 154 (a), as it would relate to a building for forestry purposes. The Framework provides no definition of “forestry”, and it is therefore a matter of planning judgement for the decision maker, based on the merits of the case.
8. The proposed building is stated as being required to store equipment and to bring on young saplings and seedlings, and for the comfort of workers and to provide necessary security. It is explicitly stated as being required for forestry purposes and the uses described would be consistent with this.
9. The Council has questioned the operational need for the proposed building; however, this is a matter I will address as a separate main issue. Paragraph 154(a) of the Framework does not set such a high bar; rather, it simply requires that the proposed building be used for forestry purposes. This need not relate to an established forestry business. On the basis of the evidence before me, I have no reason to doubt that the building would be used as described.
10. I therefore conclude that as the building would be used for forestry purposes, that it would meet an exception set out within Paragraph 154 of the Framework. It would not, therefore, amount to inappropriate development in the Green Belt.

Operational need

11. LP1 Policy STRAT9 states that within the countryside, development which has an operational need for such a location, such as agricultural or forestry operations, will be permitted. Policy DM6 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) states that development proposals must demonstrate that there is an operational need for the development in connection with the agricultural or forestry enterprise, amongst other things.
12. The evidence makes reference to the appellant’s forestry business but provides scant detail as to what this currently entails, beyond the planting of trees and the employment of 2 part-time staff. Details of the precise nature and scale of the business, its longevity, financial stability and any future expansion plans are not before me.
13. It is stated that hundreds of trees have been planted, and I saw a number of young plants and saplings, both in the ground and in pots at the time of my visit. However, the number which were evident did not appear, in themselves, to represent a significant, or well-established commercial undertaking. It may be that other operations are being undertaken elsewhere, but there is no suggestion within the evidence before me that this is the case. Furthermore, the roles and duties of the referenced part-time staff have not been fully substantiated.

14. The proposed building would be a large structure and would undoubtedly provide safer storage for equipment, fertilizers and pesticides. However, although it may have been the case that the appellant has suffered from theft and damage to equipment in the past, it is unclear whether such equipment is directly related to the forestry business, or used for other purposes.
15. It is further stated that part of the building would be used for bringing on saplings and preventing frost damage in winter months, and that it would also include kitchen and toilet facilities for staff. However, the provided floor plan for the proposed building does not indicate that there would be any internal subdivision of the building, or separate rooms for kitchen and toilet facilities. While I do not doubt that the building easily be modified to accommodate such subdivision, the plans which are before me leave some ambiguity in relation to how the building would be configured.
16. An option to take on a sizeable area of additional land, has, it is said, been made available to the appellant. However, details relating to the location of this land, and its potential use beyond simply being related to the business, are not before me. While I understand the appellant's reluctance to undertake such a commitment without a permanent storage solution being in place beforehand, it is not clear whether the use of this land, should it ultimately be brought within the business, would generate an operational need for such a building in any event.
17. Overall, an operational need for the building has not been established. The proposal would therefore be contrary to LP1 Policy STRAT 9 and LP2 Policy DM6, the content of which I have set out above.

Character and appearance

18. The proposed building would be located close to, but separate from an existing grouping of buildings, some of which are agricultural in appearance. However, despite this, and the scale of the building, it would not appear as an isolated structure or represent a significant extension of the grouping into the countryside.
19. I have not been directed to any specific views of the proposal, and saw that it would be largely screened from Northwich Road by existing, substantial and well-established vegetation. Any views would be glimpsed, with the overall scale of the proposed building unlikely to be fully evident.
20. The materials which would be used for the construction of the proposed building are stated as being a brick lower section with steel sides and roof. Specific products could adequately be addressed through means of condition, and the design of the building would be similar to other agricultural or forestry sheds that can be found in rural areas.
21. The proposed entrance with access road would be more formal than the current arrangement, but even with the road being hard-surfaced, the building and access together would not be harmfully urbanising given the limited extent of the appeal site and level development proposed, particularly when the context of the existing grouping of buildings is taken into account.
22. The proposal would not lead to unacceptable harm to the character and appearance of the countryside. It would accord with LP1 Policies ENV6 and STRAT 9, as well as LP2 Policy DM6 insofar as they relate to this main issue, which

together and among other factors state that development must be of an appropriate scale and design so as not harm the character of the countryside and be satisfactorily sited in relation to any existing buildings in order to minimise impact on the landscape.

Other Matters

23. Reference has been made to a number of developments in the area, which, it is said, have been approved by the Council. Few details are before me in relation to these examples, which in some cases relate to different forms of development in any case, and are, therefore, of only limited relevance.
24. I have also been made aware of another proposal for a forestry building, however as the circumstances of each proposal of this nature, in terms of demonstrating operational need, are likely to be unique and specific to the relevant enterprise, such an example does not form a significant precedent. Accordingly, these factors do not lead me to reach a different conclusion in respect of the appeal.
25. I am mindful of the appellant's desire to establish and expand their business, and that the Framework is supportive of rural enterprises and the contribution that they make towards economic growth. This is a factor which weighs in favour of the proposal. However, as no functional need for the proposal has been demonstrated, and the evidence that I have before me in relation to the nature and scale of the business is limited, the weight that I afford to this is modest.
26. Furthermore, the lack of substantive evidence before me in relation to the nature and operation of the business also means that I can only afford very modest weight to any benefit that may result from the establishment of the forestry business in relation to tackling climate change.
27. The proposal would also have economic benefits during construction. Given the relatively minor nature of the proposal, and that such effects would be temporary, I afford this benefit modest weight also.
28. The appellant has expressed dissatisfaction with the conduct of the Council in relation to both this proposal and other developments in the area. However, this is not a matter which falls within the scope of this appeal, and I have considered the proposal solely on its planning merits.

Conclusion

29. Although the proposal building would not comprise inappropriate development in the Green Belt, nor harm the character and appearance of the area, no functional need for it has been demonstrated. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
30. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR