Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2026

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2026

Appeal Ref: APP/B3438/C/25/3376078
The Land at, Westwood Hall Farm, Westwood Park Drive, Leek ST13 8NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr. M. Shuker against an enforcement notice issued by Staffordshire Moorlands District Council.
- The notice was issued on 21 October 2025.
- The breach of planning control as alleged in the notice is without planning permission, the erection of 3no. large buildings designed to accommodate livestock constructed with steel frames, concrete boards and metal sheets with open gated fronts, on a stone ship hardstanding ("The Buildings") on the Land.
- The requirements of the notice are to:

5.1 Remove from the Land, the Buildings identified at paragraph 3.1 along with the stone chip hardstanding on which they sit and any hardcore bases, substructures, foundations or column support pads.

5.2 Remove from the Land all remaining building materials, rubble and rubbish arising from the original construction of the Buildings, and all building materials, rubble and rubbish arising from compliance with requirement 5.1 above and restore the land to its condition before the breach took place as specified in requirements 5.3, 5.4 and 5.5 below.

5.3 Following compliance with requirements 5.1 and 5.2 above re-grade the Land to its ground levels before the breach took place in order to tie in with existing ground levels in the adjacent undisturbed woodland areas, to include carefully scraping back and removing all raised soil/spoil/rubble around remaining trees by manual methods using hand tools only to re-expose the top of the trees' natural root flare at original ground levels whilst ensuring no damage occurs to any part Of the retained trees.

5.4 Following compliance with requirements 5.1, 5.2 and 5.3 above, plant on the Land between November and February inclusive 3 Common Oak (Quercus robur) or Sessile Oak (Quercus petraea) trees and 3 Common Beech (Fagus sylvatica) trees (the Replacement Trees) at the approximate positions shown marked X on the attached aerial image marked EN04. Each replacement tree shall be of 'feathered' form and with a minimum overall height of 2m at the time Of planting. Following planting the Replacement Trees shall be properly maintained by controlling competitive weeds and watering as necessary for a minimum period Of 5 years following planting to ensure successful establishment. Any of the initial Replacement Trees, Or any further Replacement Trees following any failures as may be required under this requirement, that fail in the first five years after planting shall be replaced by another tree Of the same type and form as the tree that has perished and shall be maintained as set out above.

5.5 Following compliance with requirements 5.1, 5.2, 5.3 and 5.4 above, re-seed the Land (Other than the line of the original rough track approximately 3m in width leading through 'West Wood' into the field directly to the north Of the Land, as indicated on the attached aerial image marked EN04) with a proprietary grass seed mix suitable for woodlands such as Emorsgate Seeds 'EM9 Grass Mixture for 5.6 6. 7. Hedgerows and Woodland', or very similar, and subsequently follow the supplier's recommendations for successful establishment.

5.6 In complying with requirements 5.1 to 5.5 inclusive above, ensure that any and all Operations that are carried out using construction and/or agricultural machinery and equipment are carried out only from within the footprint areas of the Buildings or from the already heavily disturbed areas immediately around the Buildings; there shall be no vehicular access or vehicular passage further into or over the surrounding undisturbed natural woodland areas.

- The period for compliance with the requirements are: 12 months.

- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. I have determined the appeal in accordance with the current National Planning Policy Framework (the Framework) adopted on 17th August 2026, the revised policies relevant to the appeal are not materially different from those they replace.

Main Issues

3. The main issues are:

   - the effect of the development on an ancient woodland, and
   - the effect of the development on the character and appearance of the area.

Reasons

Ancient woodland

4. The appeal site is located within an ancient woodland and there is no dispute that tree felling and other tree works have taken place to facilitate the development albeit the appellant suggests that some of these works were undertaken before the wood was designated as an ancient woodland. Policy N6 of the Framework identifies ancient woodlands as irreplaceable habitats and development proposals which would entail the loss or deterioration should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

5. Footnote 62 gives limited examples of what might constitute wholly exceptional reasons which are infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of the relevant habitats.

6. The appellant has provided an Arboricultural Impact Assessment dated November 2025 (AIA) with the appeal, which in summary, identifies that construction of the building(s) has had some impact on the woodland. The impact on the woodland is identified as being fairly low and localised to the area of the building(s) and the trees immediately surrounding them, however, the AIA is clear that there is nonetheless harm to the ancient woodland.

7. The development does not relate to an infrastructure project, and no public benefit has been identified to outweigh the harm to the ancient woodland. I have no reason to dispute the appellants suggestion that forage storage capacity is needed to support the agricultural business, however, the benefits from this would likely be private benefits.

8. The appellant has provided a woodland management plan with the appeal, which could improve the woodland into the future, as no woodland management currently takes place. However, Planning Practice Guidance is clear that when assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account[1].

9. I acknowledge the previous tree clearance, prior to the designation of the ancient woodland as well as previous uses of the appeal site which could have caused damage, including ground compaction. I also note that the AIA suggests that the remaining trees are not showing decline due to the proposed development. However, these do not outweigh my findings or the overall conclusion of the AIA.

10. I therefore conclude that it has not been demonstrated that any wholly exceptional circumstances exist to justify development causing deterioration to an ancient woodland. The development is contrary to NE1 and NE2 of Staffordshire Moorlands Local Plan Adopted September 2020 (LP) and Policy N6 of the Framework, which amongst other things, resisting development that would directly or indirectly damage existing ancient woodland.

Character and appearance

11. The appeal buildings are located within an area of woodland accessed by a track which slopes down from the farmhouse and other agricultural buildings. The development relates to three buildings that are located close together, the surrounding area consists of woodland and open fields, resulting in an open and rural character and appearance.

12. The buildings are of a simple design and are also a modest size which means that they appear characteristic of an agricultural use. The appeal site is set within a wider agricultural holding and there would be very limited views of the development. I note that there would be some long-distance views from surrounding footways, however, any views would be glimpsed, and the simple appearance of the buildings would mean that they would not be unusual or unexpected in a rural setting.

13. I acknowledge that tree removal has taken place, however, I am mindful of the previous use of the appeal site as well as tree removal works that may have taken place and while this has opened up the site, this is limited and would not alter my findings on the glimpsed and expected views of the buildings. I also note that further planting is proposed through the woodland management plan which would result in some visual improvements and further restrict views of the development.

14. I therefore conclude that the development does not harm the character and appearance of the area. I find no conflict with Policies DC1, DC3, SS10 and SS11 of the LP which amongst other things, seek to ensure that development is designed to respect the site and its surroundings and promote a positive sense of place and identity.

[1] Paragraph: 033 Reference ID: 8-033-20190721

Other Matters

15. The Enforcement Notice suggests that development has failed to ensure that adequate drainage, wastewater and sewerage infrastructure capacity is available. However, the appellant advises that the buildings use for storage of forage has no requirement for these. I have no reason to disagree, and I am satisfied that were I mindful to allow the appeal, then this use could have been secured with an appropriately worded planning condition.

16. I note that there are no other buildings within the appeal site capable of storing forage and Policy SS10 of LP and Policy E4 of the Framework provide support for the development of agricultural businesses. I acknowledge that the on-going management of the woodland could result in an improved long-term situation from its currently unmanaged condition and there could also be some biodiversity improvements. However, the evidence of these improvements is limited and it's not clear whether this would mitigate against the harm that has already been caused. As a result, these would only attract limited weight as benefits.

17. Policy S5 provides support for development outside of settlements which includes development for agriculture, outlining that development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. I have already found there to be limited benefits arising from the development and therefore these limited benefits would be substantially outweighed by the adverse effects, with regard to the conflict with Policy N6 of the Framework.

Conclusion

18. The development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Wilson

INSPECTOR