

DELEGATED DECISION REPORT

DET/2024/0026
Valid 05/08/2024

**TODDBROOK ANCIENT
WOODLAND AND
ADJACENT GRASSLAND
START LANE
WHALEY BRIDGE**

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
BASIC STORAGE SHED FOR
FORESTRY CHIPPER AND
QUAD AND ANCILLARY
FORESTRY EQUIPMENT.**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 6 Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- Whether Prior Approval is required with regards to the Siting, Design and Appearance of the proposed development.

DESCRIPTION OF SITE

The site comprises approximately 4 hectare of woodland which is a designated Ancient Woodland and forms part of a Derbyshire Wildlife Site that covers Scar Wood and Todd Brook. The site is within the Green Belt and Countryside, and forms part of the Settled Valley Pastures landscape character area as defined in the High Peak Local Plan.

PROPOSAL

This is an agricultural/forestry prior notification application under Schedule 2, Part 6, Class E of the Town and Country Planning (GDPO 2015) to ascertain whether prior approval is required for a storage shed for forestry chipper and quad and ancillary forestry equipment

The storage shed would measure 14.5m long, 5.1m wide with a pitched roof 3.95m to the ridge and 3.25m to the eaves. It would be a timber construction with a green roof.

Neighbour comments – 1 objection received:

Object to the application on a number of points. I don't believe either the Forestry Commission or Woodland Trust would recommend the need for a building with toilets/washroom etc and would like to see evidence of this. You would not store

expensive equipment in an unsecure locations and the building is out of proportion to any requirements. If the applicant is so concerned about the invasive rhododendrons why has he done virtually nothing since the last application was refused. In the last application he required Quad Bikes and now it is an All Terrain Vehicle and we wonder what will be next. We directly overlook the site and after the last application was refused the shed and white van were removed but the latter returned in August 2023 and has been there ever since plus a sailing dingy arrived earlier this year. The applicant states it is a 4 year operation to remove the Rhododendrons but this could be done far sooner if he was really interested in doing so. In the supporting document, 3.2.2 there is mention of temporary caravans for worker which would have to be located on the terraced area which would clearly be visible to a number of properties on Start Lane and this we strongly object to. As stated in my previous objection to the application (HPK/2018/0426) I have no issues with the removal of the Rhododendrons but believe the applicant has other longer term ideas to develop the site and the removal of the shrubs is just a cover for further development. He refers again to the buildings at Walker Brow Farm but this is a working farm and not a site which is visited infrequently by the owner and if he was seriously concerned about the invasive species on the land he would have done something before now. I therefore ask for the application to be refused.

The comments of the objector are noted, however this is an application seeking to confirm if prior approval is required for the siting, design and external appearance of the building. As these are the only matters which can be determined at this stage, wider considerations cannot be taken into consideration.

OFFICER COMMENTS

1. Whether the proposed development complies with Schedule 2, Part 6 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Permitted development

E. 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).**

The application proposes the erection of a building which are stated as being required for forestry purposes which class E allows subject to further consideration of class E.1 exceptions.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) it would consist of or include the provision or alteration of a dwelling;**

The proposed building would not consist of the provision of a dwelling.

(b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;

The site is not within 3km of an aerodrome.

(c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or

The development would be within 25m of a metalled portion of trunk or classified road

(d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

The building is not for the storage of fuel for, or waste from, a biomass boiler or anaerobic digestion system.

As part of the prior notification procedure the local planning authority has the right to seek prior approval over the siting, design and external appearance of the building. In this instance no plan has been submitted to indicate where the proposed building would be erected. It is critical that the local planning authority is able to agree the siting of the proposed building as it is proposed to be located within an ancient woodland and local wildlife site and based on the information submitted the local planning authority is unable to assess the impact of the proposal on these protected areas. Indeed a previous appeal decision for this site APP/H1033/W/19/3241442 (planning ref. HPK/2018/0426) the Inspector concluded that the 'proposal would significantly harm an ancient woodland, and that there is insufficient evidence that it would avoid negative effects to protected species'. Accordingly, these matters need careful consideration in the determining whether the development is acceptable in this highly sensitive location.

Moreover, the site lies within Settled Valley Pastures landscape character area as defined in the High Peak Local Plan 2016, with further information set out in the adopted Landscape Character Assessment SPD. It is therefore considered that additional information is needed to ensure that the Council can assess the proposed building and its impact in terms of its siting, design and external appearance on this landscape character area.

CONCLUSION

Prior approval is required to ascertain the impact of the proposed building on the Ancient Woodland, protected species and landscape.

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: Rosie Dinnen

Recommendation Date: 30.08.24

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council