

DELEGATED DECISION REPORT

DET/2025/0006
Valid 26/03/2025

TOM WOOD START LANE
WHALEY BRIDGE

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
SCANDINAVIAN REDWOOD
SHED WITH SINGLE PITCH
GREEN ROOF.

(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 3.4 hectares of woodland which is a designated Ancient Woodland and forms part of a Derbyshire Wildlife Site that covers Scar Wood and Todd Brook. It is also subject to a woodland Tree Preservation Order (TPO).

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 a forestry chipper and quad and ancillary forestry equipment.

The storage shed would measure 14.5m long, 3.9m wide with a symmetrical roof 3.4m high to its highest and 2m to eaves. It would be a timber construction with a green roof.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2024/0026 - Application to determine if prior approval is required for -
Basic storage shed for forestry chipper and quad and ancillary forestry equipment -
Prior approval required & Details submitted refused 26.02.25 – Appeal currently
pending

DET/2020/0008 - A small shed for storing tools, wood and equipment needed to restore and manage the ancient woodland along the Toddbrook. Essential to stop the collapse of the habitat and protect the region from flooding – Prior Approval refused 13.05.20 & Appeal dismissed 30.12.20

HPK/2018/0426 - Retention of engineering operations and proposed building for woodland management – Refused 20.05.19 & Appeal dismissed 29.02.20

CONSULTATIONS

Publicity

Site Notice: The applicant has submitted a site notice which is dated 25.03.25

One neighbour comments has been received stating:

The rhododendron removal is just a reason always being used but not being addressed. Look at previous applications and refusals. The shed is huge and is not needed.

OFFICER COMMENTS

Application submission

The application submission comprises the following:

- Application form – to determine if prior approval is required for a proposed: Erection, Extension or Alteration of a Building for Agricultural or Forestry use
- Location Plan 1:2500 @ A4 (Terra Quest)
- Machinery drawing (unscaled but dimensions shown in millimetres)
- Ranger Quad bike image (unscaled but dimensions shown in centimetres)
- Location Plan 1:1250 @A2 (dwg no. L(90)01)
- Toddbrook Ancient Woodland Supporting Document (March 2025)

No plans of the building are provided but there are drawings in figure 5 of the Supporting Document. These plans show a scale of 1:100 @A3 and dimensions are shown on the drawing. As the plans are inserted as an image it is not possible to measure the drawings at the specified scale. As the dimensions are specified on the drawing these are taken as read in the assessment of the application.

The Terra Quest plan has a redline rectangle within the wider site redline that is intended to denotate the location of the building. However, the redline doesn't match the footprint of the building (14.5m long, 3.9m wide) but location plan ref. dwg no. L(90)01 is accurate.

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 not 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.

Siting, design and external appearance

Under the prior notification procedures, the LPA must determine whether prior approval is required for the siting, design and external appearance of the building.

The site is situated in a sensitive location adjacent to an ancient woodland, in the countryside which is also designated green belt. As such it is an area which should be largely preserved from development because of its special characteristics. It is acknowledged that the Inspector to the previous appeal considered Green Belt was

not a consideration for a prior approval appeal as the determining matters relate to the GPDO regulations.

The site lies within Settled Valley Pastures landscape character area as defined in the High Peak Local Plan 2016 policy EQ 2. The corresponding Landscape Character Supplementary Planning Document notes that woodlands are a key landscape characteristic:

- Wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and tree groups around settlement and farmsteads

This is an important landscape characteristic that needs to be preserved and any development needs to be sensitive to its setting.

The building is proposed to be sited in the same location as the last two prior notification applications DET/2024/0026 and DET/2020/0008, so that it complies with the 15m buffer from ancient woodland. It has a slightly reduced footprint from DET/2024/0026 which was 14.5m long and 5.1m wide. The current proposal is 14.5m long and 3.9m wide so only marginally smaller.

Whilst the siting of the building is acceptable in terms of its positioning away from ancient woodland, the scale and form of the building (i.e. its design) is unacceptable and disproportionate to the size of the woodland area that is being managed which is a landholding of just 3.4ha.

The site has been subject to two planning appeals in the last five years, the most recent one relating to a prior approval application (DET/2020/0008) for a smaller building measuring 7.2m by 3.6m in the same location. The Inspector dismissed the appeal and supported the Council's view that the building was too large and not justified:

10. ...I agree with the Council that the size of the proposed shed would be excessive in relation to the forestry purposes for which it is sought...

11. I am unconvinced that the amount of equipment likely to be needed for the proposed restoration work would justify a shed of the size proposed and the associated harm to the rural character of the area.

The Inspector's conclusion that the size of the building is excessive and not justified brings you back to the Interpretation of Class E (2):

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

It is the LPAs view that on the basis of its excessive size, the building cannot be reasonably necessary for the purposes for forestry and this view has been supported by two planning inspectors. Indeed, the appeal was for a smaller building, 7.2m by 3.6m (26sqm) and the proposed scheme is a significantly larger building 14.5m long, 3.9m (56sq.m). As acknowledged in the applicants supporting statement

the building would be visible at certain times of the year, and given its substantial size, in this sensitive rural location, it would be harmful to the character of the area, an area which is and should remain free from built development.

Security is also a design consideration, and it is unclear why the applicant would wish to store expensive forestry machinery in a remote location without natural surveillance. From a security perspective it would be sensible if the machinery was only brought onto the site when it was needed. This is a point that has been raised previously by consultee and objectors to DET/2024/0026 and is still a valid point that is relevant to the current application.

To conclude, there are concerns about the size and scale of the building, resulting in the design and external appearance of the building causing harm to the character and appearance of the area.

Biodiversity

No ecological survey or biodiversity net gain assessment has been provided with the application. The plans show a building that is 14.5m long by 3.9m wide which has a floor area of 56sq.m. Whilst seeking net gains is not a mandatory requirement for prior approval applications, a net loss of biodiversity is unacceptable which is an inevitable consequence of the building being oversized and unjustified. The site forms part of a Derbyshire Wildlife Site that covers Scar Wood and Todd Brook and therefore is recognised for its biodiversity value. In the absence of any ecological survey, the proposal therefore does not satisfy the considerations of local plan policy EQ5 and the NPPF relating to biodiversity.

CONCLUSION / PLANNING BALANCE

The agricultural/forestry prior notification procedure permits local planning authorities to determine whether prior approval is required for the siting, design, and appearance of the development. It is concluded that the proposal is unacceptable due to its excessive size and scale, and as a result, the design and external appearance of the building would cause harm to the character and appearance of the area.

OFFICER RECOMMENDATION : Refuse

Case Officer: Rosie Dinnen

Recommendation Date: 23.04.25

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council