

DELEGATED DECISION REPORT

DET/2024/0040 Valid 24/09/2024	ACCESS TO COLLYHOLE WOOD AND GOG WOOD CHURCH LANE IPSTONES	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR A PROPOSED ALTERATION OF PRIVATE WAYS FOR AGRICULTURAL OR FORESTRY USE
(ALL OTHERS)		

MAIN ISSUES

Whether or not the alterations to the private way and access can be built under a Notification of Prior Approval application under Part 6 of the GPDO rather than a full planning application. If so, whether or not the LPA wishes to approve the siting and means of construction of the proposed development.

DESCRIPTION OF SITE

Stakebank Wood is in an ‘other rural area’ of countryside 1km to the northwest of Ipstones. The woodland has a Local Site of Biological Importance Designation.

The access to the woodland is taken from a roadside gate on the narrow unclassified Church Lane. Access alterations and hard standings have already been constructed creating roadside opening to the woodland edge.

PROPOSAL

Alterations and additions to an access arrangement to provide private way access to subdivided woodland plots. The work is to be constructed with limestone chatter surfacing. It is evident that the development has already begun with roadside woodland clearance and the construction of significant areas of stone chatter hard standing.



SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

OFFICER COMMENTS

The application is not clear and precise in its terms, it does not specify the particular Class of Part 6, Sched 2 of the GPDO that the developer considers to apply or permit the development carried out or proposed.

Class A permits only development on agricultural land on a unit of 5ha for purposes reasonably required for agriculture. The development in this case has not been carried out on agricultural land for agricultural purposes and the unit is significantly less than 5ha. It is a condition of Class A that before beginning the development the developer must apply for a determination as to whether the prior approval of the Local Planning Authority is required. The development in this case has already begun and therefore the condition of Class A has not been complied with in any event. NOT PERMITTED by Class A.

Class B permits only development on agricultural land for purposes reasonably required for agriculture. The development in this case has not been carried out on agricultural land for agricultural purposes. NOT PERMITTED by Class B.

It is Class E of Part 6 that permits development reasonably required for the purposes of forestry including the formation, alteration or maintenance of private ways. However, first and foremost it is a condition of Class E at E.2(1)(a) that 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 and means of construction of the private way. The development has clearly already been commenced and the developer has not complied with condition E.2(1)(a). The application confirms in fact that they had been formally advised to submit an application for full retrospective planning permission. The development therefore cannot be permitted by Class E and full planning permission is required for development already carried out and proposed. NOT PERMITTED by Class E.

Moreover, on the evidence submitted with the application, the development is not considered to be reasonably necessary for the purposes of forestry. Clearly the woodland has been divided into separately owned plots. It is explained that access is to be provided for these plots but there is no evidence relating to the 'forestry' activity that takes place on the land or how the developments carried out might be proportionate to that. There will presumably be restriction on the quantity of timber that can be felled from the woodland.

The development carried out has widened roadside clearing and introduced the formal construction of hard standings to woodland edge. This has been harmful to the character and appearance of the area.

The site is of Local Biological importance the development that has been carried out and is proposed has not shown any consideration for the environment or ground conditions in those regards. The application has not been provided with any pre development survey reports. Lime stone chatter, an inappropriate material, has been introduced on naturally acidic ground conditions.

CONCLUSION / PLANNING BALANCE

The development is not permitted by Class E, Part 6, Schedule 2 of the General Permitted Development Order, because: the developer did not 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 and means of construction of the private way and, therefore, they have not complied with condition E.2(1)(a); and, on the evidence submitted with the application, the development is not considered to be reasonably necessary for the purposes of forestry. Moreover, the unit identified on plan is less than 5ha in area and the development has not been provided on agricultural land for purposes reasonably necessary for agriculture, the development therefore is neither permitted by Class A nor B of Part 6 of the Schedule.

It is considered that the siting and means of construction of the development has caused harm to the character and appearance of the area by making an intrusive open clearing within roadside woodland. Moreover the development has been carried out on a Local Site of Biological Importance without due consideration for the developments impacts on the lands value and importance in those regards, specifically the means of construction has introduced an inappropriate lime stone chatter that is potentially harmful to natural ground conditions. On available evidence the development is therefore considered to be contrary to policies SS10, DC1, DC3, NE1 and NE2 of the Staffordshire Moorlands Local Plan.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED AND REFUSED

Case Officer: Ben Hurst

Recommendation Date: 18/11/2024

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council