

SECTION 78 APPEAL STATEMENT

Appellant: Matt Aitken
Site: Collyhole Wood, Church Lane, Ipstones
LPA Ref: DET/2026/0021
Development: Single-storey forestry storage building under Schedule 2, Part 6, Class E of the GPDO 2015

1. Introduction & Core Summary

- 1.1. This appeal is made under Section 78 of the Town and Country Planning Act 1990 against Staffordshire Moorlands District Council's decision to refuse Prior Approval for a forestry storage building.
- 1.2. **Conceded Threshold:** The Council's Delegated Decision Report explicitly accepts that the appellant is engaged in a programme of woodland management ('forestry') and that a small storage building is reasonably necessary for these purposes. In doing so, the Local Planning Authority explicitly considered and set aside the Parish Council's consultation objection regarding operational necessity. Consequently, the statutory threshold test under Class E is formally satisfied, and necessity is legally closed.
- 1.3. The dispute is strictly limited to the statutory matters of siting, design, and external appearance.
- 1.4. The appellant respectfully submits that the LPA's refusal is:
 - 1.4.1. **Procedurally flawed:** The LPA refused the application on design and appearance grounds without exercising its statutory right to request scaled elevation drawings under Paragraph E.2(2);
 - 1.4.2. **Legally misdirected:** The LPA improperly treated Local Plan Policies DC1 and DC3 as freestanding grounds for refusal rather than applying the statutory Permitted Development tests; and

- 1.4.3. **Factually unsupportable:** The proposed location represents the only physically viable, environmentally safe, and highway-safe position on the holding.
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2. Site Context & Physical Constraints (Siting Analysis)

- 2.1. Collyhole Wood is an actively managed woodland featuring steep slopes, a natural brook, a SBI designation, and a single, narrow vehicular access point onto Church Lane.
- 2.2. The proposed siting (5m set back from the carriageway edge, adjacent to the approved hardstanding) was selected after eliminating alternatives that would require engineering works, tree removal, or create highways hazards:
- **Option A: Deeper Woodland Siting (Unviable & Harmful):**
Placing the building deeper within the woodland would require constructing a heavy-vehicle bridge over the brook, excavating undisturbed slopes, and felling mature canopy trees within a designated Local Site of Biological Importance. The LPA's Delegated Report confirms officers would not support an alternative site requiring engineering works or tree removal.
 - **Option B: Siting On Existing Hardstanding (Highways Hazard):**
The hardstanding was specifically granted retrospective planning permission under SMD/2025/0052 to provide essential vehicle turning space. Positioning a 6.06m×2.44m building on this footprint would eliminate the turning head. This would force 3-tonne forestry vehicles and trailers to perform a blind, uphill reversing manoeuvre out onto the narrow carriageway of Church Lane, creating an unacceptable highways safety hazard.
 - **Option C: Proposed Siting (The Only Viable Solution):**
Positioned on ground adjacent to the hardstanding, set back behind the boundary wall/hedge line and backed by dense mature woodland canopy. The visual relationship, set-back, and topographical drop of 2–3m below Church Lane are clearly

demonstrated in the photographic visual assessment (Appendix 5).

- 2.3. The proposed siting is the only location that fulfils operational forestry needs, preserves highways safety, avoids tree loss, and prevents engineering damage to the woodland floor.

3. Statutory Legal Framework (Part 6 Class E)

- 3.1. Class E of Part 6 grants Permitted Development rights for forestry buildings. The statutory scheme intention is to facilitate sustainable forestry management by creating a streamlined approval mechanism.
- 3.2. In determining a Class E application, an LPA does not possess the broad discretion of a full planning application. Development Plan policies (such as SMDC Policies DC1 and DC3) cannot operate as freestanding grounds to veto Permitted Development rights granted by Parliament. They may only inform the specific statutory criteria of siting, design, and external appearance.

4. Design & External Appearance

4.1. **Proposed High-Quality Finishes:**

The submitted scheme incorporates high-specification visual mitigation specifically engineered for a woodland context:

- Cladding: Vertical rough-sawn timber cladding in an ultra-matte charcoal/dark black stain designed to recede naturally into woodland shadows.
- Roof: A low-profile timber tray supporting a pre-cultivated natural green sedum and moss blanket to soften the roofline when viewed from surrounding terrain.

Photomontages submitted with the original application (Appendix 5) confirm how the dark matte timber cladding and green roof profile recede into the woodland backdrop.

4.2. **Structural Form vs Finished Appearance:**

The Delegated Report asserts that the unit "appears most likely to be a clad freight container". The underlying structure being a

container-based unit is irrelevant to the statutory test. Under Part 6, the assessment relates solely to the finished siting, design, and external appearance. Modular steel frames clad in timber are standard, durable, and highly secure solutions for forestry storage in isolated rural areas.

4.3. Procedural Inconsistency on Design:

The LPA states that full elevation drawings were not provided, yet it elected not to request them. Refusing prior approval on design grounds without first requesting the drawings needed to assess that design — despite having the explicit statutory power under Paragraph E.2(2) of Schedule 2, Part 6 of the GPDO — is procedurally unreasonable.

- 4.4. The proposed building is low-profile (2.89m overall height), functional, and heavily screened by existing mature canopy trees and boundary vegetation. It is entirely typical of small-scale forestry structures across the UK countryside.

5. Conclusion & Relief Sought

- 5.1. The necessity of the building for ongoing forestry management is conceded by the LPA.
- 5.2. The proposed siting is the sole location on the holding that satisfies operational necessity without destroying mature trees or compromising highways safety on Church Lane.
- 5.3. The design and external appearance feature natural, recessive materials (dark vertical timber and a living green roof) appropriate to a working woodland edge.
- 5.4. The appellant respectfully requests that the Planning Inspector grants Prior Approval.

6. List of Appeal Appendixes

Appendix	Description	File Name
Appendix 1	Prior Approval covering letter	01 Covering Letter
Appendix 2	Prior Approval site location plan	02 Site Location Plan – Colleyhole Wood
Appendix 3	Prior Approval block plan	03 Block Plan – Collyhole Wood
Appendix 4	Prior Approval supporting statement	04 Supporting Statement – Collyhole Wood
Appendix 5	Prior Approval visual context & impact assessment	05 Appendix A – Visual Context and Impact Assessment
Appendix 6	Prior Approval enclosure: woodland management plan	06 Enclosure – Woodland Management Plan v2.2
Appendix 7	Prior Approval submitted application form	07 Application Form
Appendix 8	Prior Approval consultation response	08 Parish council consultation response
Appendix 9	Delegated Officer Decision Report	09 Delegated Report
Appendix 10	Decision Notice DET/2026/0021 (dated 5 August 2026)	10 Decision Notice