

# Planning Statement

## Applicants

Surrey Hills Woodland Management

## Application

Prior Notification for the erection of a Forestry Building & Forestry Track/Way

## Address

Woodland known as, Land Adjacent to Broad Firs, Lombard Street, Shackleford, Godalming

Nearest postcode for reference purposes GU8 6BH

**This planning statement has been prepared to support the prior notification under The Town and Country Planning Act (General Permitted Development) (England) Order 2015, Agricultural and Forestry Part 6 - Class E.**

### 1.0 The site

1.1 The site is an area of established woodland located off of Lomb Street adjacent to the residential property Broad Firs, with vehicular access gained via a bridlepath.



1.2 Broad Firs is the nearest residential neighbour and is a considerable distance from the proposed barn, it is therefore determined that there will be no negative impacts adversely affecting the residential amenity of Broad Firs or any other neighbouring properties.

1.3 The woodland is located within an Area of Outstanding Natural Beauty AONB, and Area of Great Landscape Value AGLV, It is located within the Green Belt.

1.4 The woodland is not located within a National Park, or Site of Special Scientific Interest SSSI, and it not located in a site of Nature Conservation Area, or an Special Protection Area SPA.

1.5 The woodland does not have any Tree Preservation Orders TPO, it does not have Article 4 Rights Removed and it is not located within a conservation zone.

1.6 The woodland is located within an area where high quality design should be at the forefront of any planning application, and with this in mind, the proposed forestry barn, seeks to utilise natural and high quality materials so as to be at odds with its surroundings.



#### Walls

1.7 The walls will be constructed with a brick plinth beneath oak featheredge boards.

#### Roof

1.8 The roof will be a timber shingle tile.

#### Doors

1.9 The doors will be constructed in oak.

The Track will be constructed using natural crushed stone and lime chipping.

## 2. Town and Country Planning Act (General Permitted Development)(England) Order 2015, Agricultural and Forestry Part 6 - Class E.

This document will set out the relevant legislation but it is important to provide a foreword that adds context to that legislation based upon industry, legal, professional and case precedent.

1. The legislation pertaining to Forestry permitted development rights (PD) is somewhat vague and less restrictive than, that which is written for the Agricultural sector.
2. Forestry PD rights are often misunderstood or misquoted by objectors and some times planning officers, as example, I list the following;
  - a) There are no minimum land size requirement for the woodland/forest to obtain PD Rights
  - b) There is no maximum size stipulated for a building
  - c) The applicant/s are not required to operate a business and can therefore be hobbyists
  - d) There are no specific requirements that the building must look 'Forestry' in design and appearance
  - e) There are no stipulations that the forestry activity must be solely carried out on the land where the building is to be constructed
3. In terms of the loose definition of 'necessary for activities that class as forestry', there is no relevant definition of forestry in the Planning Acts. In 1986, a Judge found that converting trees to hewn poles or logs was 'Forestry', but that the planning and shaping of logs (carving) was carpentry. In 2000 in the case of (Millington v Secretary of State for Environment), the Judge found that processing which is "reasonably necessary to make the product marketable or disposable for profit" (in that case making grapes to wine) was ancillary use to growing the raw material, and would therefore not need permission.
4. The proposed building is clearly designed to serve forestry to any reasonable person who looked at it. The drawings included with this design statement show a typical barn associated with countryside forestry/agricultural operations. The barn comprises a secure area served by a timber barn style door where machinery and splitters are stored with an open end where logs will be stacked to season to make them marketable and disposable for profit following processing.
5. This building is reasonably necessary, and in fact essential to support the forestry activity of producing logs and to include the safe storage of the necessary tools.
6. The building will be located in excess of 25 meters from the metalled road, this complies with the legislation.
7. Environmental and noise considerations may not be a material point for consideration in a prior notification application, but the applicants have given thought and consideration to the nearest neighbours and conclude that no neighbours will be adversely impacted.
8. The machinery used in the woodland (log splitter) does not require planning permission and will be no more intrusive to the surroundings than the existing businesses such as the dog kennels and the heavy machinery and storage yard directly next door.

### 3. Legislation

#### 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).*

#### Proposal

#### The erection of a forestry building.

Class E (a) allows for the erection of a forestry building and therefore this part of the legislation is met.

#### 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;

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

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

(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.

**(a) 1. The application is not in relation to a dwelling**

**(b) 2. The building is not within 3km of the perimeter of an aerodrome**

**(c) 3. The building is in excess of 25 Mtrs from the metalled road**

**(d) 4. The building will not be used for the items listed**

## Conditions

**E.2**—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

(a) the developer must, 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, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;

**\*No work has started on site; this notice is submitted prior to any works being started.**

(b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;

**\*This planning statement sets out the works and it is accompanied with a full set of scaled drawings and photographs to assist the LPA over and above the requirements of the legislation.**

(c) the development must not begin before the occurrence of one of the following—

(i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval;

(iii) the expiry of 28 days following the date on which the application under sub-paragraph (1) (b) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

**\*The applicants understand the requirements of this section of the legislation and will do as directed.**

(d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(i) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;

(ii) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (d)(i) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

**\*The applicants understand the requirements of this section of the legislation and will do as directed.**

(e) the development must, except to the extent that the local planning authority otherwise

agree in writing, be carried out—

(i) where prior approval is required, in accordance with the details approved;

(ii) where prior approval is not required, in accordance with the details submitted with the application; and

(f) the development must be carried out—

(i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,

(ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b). (2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.

(3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

**\*The applicants understand the requirements of this section of the legislation and will do as directed.**

#### **4. The Use**

4.1 The forestry barn will be used and occupied by Surrey Hills Woodland Management who will process felled trees and branches from within the woodland to ensure an effective management on a small scale basis, and they will collect felled trees and branches from local tree surgeons to process in to logs.

4.2 The anticipated annual revenue of circa £75,000 is not a material consideration for the purpose of PD rights, however it does give a clear indication that the applicants are serious about the use of the land and it will bring revenue in to the local community.

#### **5. Site History**

5.1 The previous planning history plays no part in a prior notification application for forestry, however, it serves as a good practice and keeping of the records to list the historical planning applications.

5.2 The previous has passed but it is understood that the last known use was that of a private hobbyist motocross track and leisure pursuit location. The applicants have cleared a substantial quantity of domestic rubbish and junk from the woodland.

5.3 There is no relevant planning history for the woodland. The nearest planning application relates to Broad Firs 09/P/00476 and was a replacement residential dwelling house.

5.4 The applicants have removed dead, diseased and dangerous trees from the site which has not been managed for a long time.

5.5 No further trees are planned to be removed and there are no trees within a root protection area RPA of the proposed barn or the forestry access track.

#### Summary

The forestry building and forestry track/way are reasonably necessary for the purposes of forestry as set out in this document.

It is to support the processing and storage of logs for onward sale and the tools and valuable equipment needed for that purpose.

The proposed building meets all of the legislative technical guidance and is therefore policy compliant.

The Local Authority are invited to issue the determination that prior notification is not required.

Images of the application site are included on the following pages for the officers reference



Existing Access Gate





Bridlepath with legal Vehicular Access Rights





Location of barn

