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**Ref 2023/0445**

Applicant: Michael Coy

Description: Erection of an open fronted steel frame, steel clad single storey shed (Application to determine if prior approval is required for a proposed: Erection, Extension or Alteration of a Building for Forestry use)

Address: Bruce Lodge, Pilley Hills, Pilley, Barnsley, S75 3AU

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**Site Description**

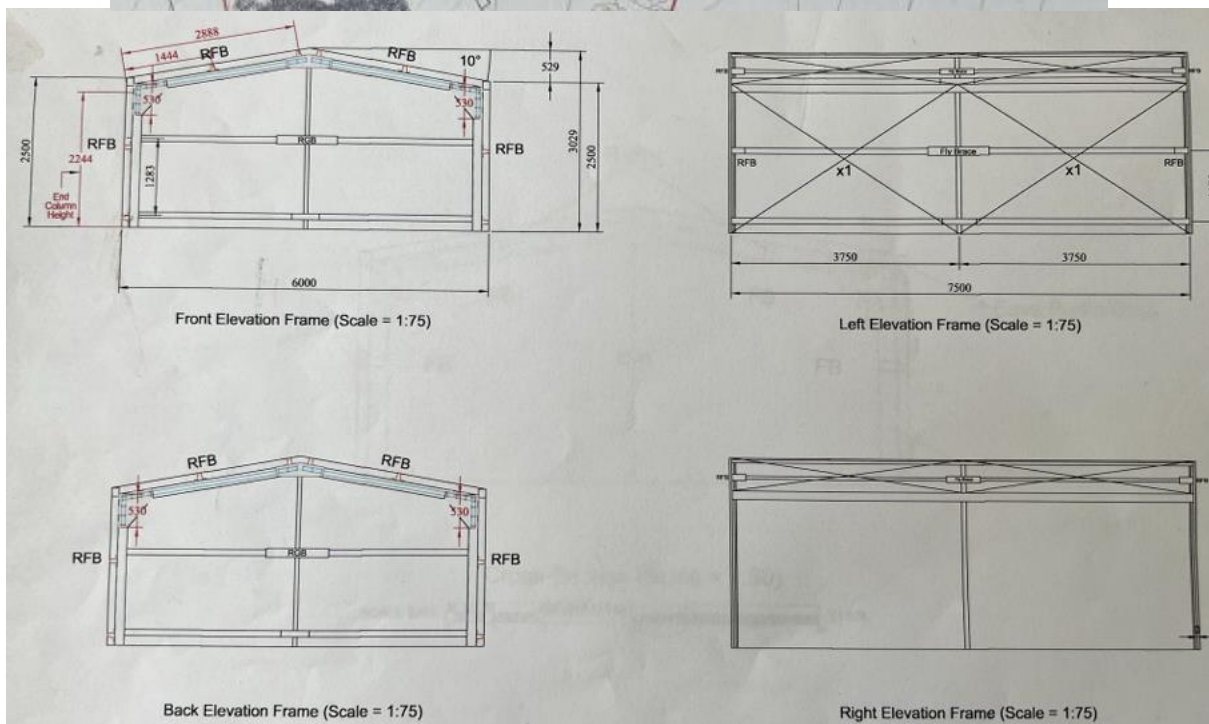
The application site refers to land located within the grounds of Bruce Lodge, Pilley Hills, Pilley – which is a detached residential property, with a substantial curtilage area which has been established through previous planning application, application ref. 2012/1016. The red line boundary has included parts of the established domestic curtilage which is primarily woodland, as well as an additional area of woodland which is to the North of Bruce Lodge.

Location Plan (application ref. 2012/1016) and separate active application (2023/0387):

**Proposed Development**

The applicant is prior approval for the erection of a detached open-fronted steel frame, steel clad single storey shed to be used for forestry purposes. The application form initially referenced to the building being to serve agricultural land prior to this being rectified by the applicant.

The building is to be located in the area to the North of the site, c.20m to the north of the existing building which the site visit showed is used for forestry purposes. The building is single storey, open-sided with a steel frame. It measures 6m x 7.5m with a height of 2.5m to the eaves and 3.03m to the pitched roof ridge.



## Policy Context

### Local Plan

The site is located in the Green Belt.

Policy D1 Design  
 Policy GD1 General Development  
 GB1: Protection of Green Belt

## NPPF

The paragraphs below are extracted from Chapter 13: Protecting Green Belt Land

Paragraph 137: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

## **Consultations**

Forestry Officer – Advised that a felling license is required for forestry operations above 5 cubic metres per calendar quarter.

Legal Officer – Casted doubts over the erection/presence of a forestry building in a domestic garden area.

## **Representations**

There were no immediate neighbours to consult on the proposed development however the applicant placed a site notice in front of the site; no comments were received.

## **Assessment**

### Principle of development:

Schedule 2, Part 6 of the Town and Country (General Permitted Development) (England) Order 2015 sets out the permitted development rights for the erection of agricultural and forestry buildings.

Class E allows for the erection of a building or structure to be used as 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).

Class E.1 sets of the parameters of permitted development which includes the following:

- (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 metres in height;
- (c) any part of the development would be within 25 metres 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.

This application is for prior notification and this assessment relates to whether or not the Council would seek a prior approval application for the proposed works. The Council can make a decision on the siting, design and appearance of the building, but also whether the proposed development meets all the necessary parameters, i.e. the building/works being reasonably necessary for forestry purposes. This will be assessed in the below sections.

#### Principle of development:

First and foremost, it is clear that the land in question has been established to be domestic curtilage. It is included as part of the curtilage within the approved plans for application ref. 2012/1016 and is also included as part of the red line boundary for a separate ongoing Lawful Development Certificate application with the Council (ref. 2023/0387).

The relevant regulations of the GPDO (Schedule 2, Part 6, Class E) does not specifically states that the land in question cannot be used for domestic curtilage but it does state that the building must be used for forestry purposes. On a more general level, Class E states:

The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary [emphasised] 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).

What is reasonably necessary is therefore a core test in the GPDO in which the applicant must ensure the development is needed to support the forestry activity in operation and is appropriately sized in both the scale and nature of that activity with the land available.

The applicant has provided details that the building will be used to store a digger, dumper, two petrol log splitters and a variety of ground clearance equipment, whilst allowing room to process. However, the applicant stated that they do not have a felling license indicating that the previous operations have focused on standing deadwood and some living trees within the recognised allowance in the garden area. A felling license is not required to fell up to 5 cubic metres (m<sup>3</sup>) of growing trees on the property – which is the equivalent of a standard sized skip. The Site Visit showed that there is an existing building on site, to the South of the proposed ‘shed’, which is already been used for forestry purposes. The existing building is larger and for the level of operation which is argued – i.e. less than 5 cubic metres per calendar quarter, the Council contends that the building goes beyond what is reasonably necessary for the proposed purposes.

Indeed, there is no planning permission for the existing building which presumably was erected through householder permitted development rights for domestic outbuildings. This gives further rise to the fact

that the land has been established as residential curtilage. Approval of the prior notification would merge the boundaries of what has been argued as forestry operations and what is ancillary domestic/residential. The terminology used in the application form and plans themselves – i.e. ‘shed’ typically refers to domestic buildings/structures used for garden storage.

To conclude, the application/proposed development seemingly blurs the lines between what is considered to be established domestic curtilage and the land which is desired to be used for expanding forestry operations. There has been little justification as to why the existing (and larger) building on site used for forestry is insufficient for the level of felling which is more in line with that of a personal use, with the applicant having not acquired a felling license, i.e. to a level which fells less than 5 cubic metres per calendar quarter. The submitted information is also somewhat contradictory as it refers to a small personal allowance of trees to be felled yet the operation now requires a second forestry building to house a digger, dumper, two log splitters and various ground clearing equipment. All of this results in the building not being to a scale and level which is considered to be reasonably necessary as outlined in Class E of Part 6.

#### Visual Amenity:

The proposed building is designed as a single storey, steel-framed and open-sided building. The height is limited to 2.5m to the eaves and 3.03m to the roof ridge and has a total footprint of 45sqm in what a relatively large site. There are no specific concerns raised with the design of the building.

#### Residential Amenity:

There are no immediate neighbours which would be affected by the proposed development.

#### Conclusion

The applicant has submitted a prior notification under Class E of Part 6 of Schedule 2 of the GPDO for the erection of a forestry building on the land. There are several concerns and discrepancies with the application and information submitted by the applicant.

First and foremost, the forestry building is located in an area of the site which has already been established by the applicant as being domestic curtilage by virtue of a previous approval on the site (ref. 2012/1016) and a separate ongoing application on the same site (2023/0387). Both of these submitted plans include the relevant part of the land within the domestic curtilage, including it within the red line boundary of the dwelling.

In terms of the general assessment of the development, Part 6, Class E requires forestry buildings to be ‘reasonably necessary’ for the proposed forestry purposes which is a core test in which the applicant must ensure the development is needed to support the forestry activity in operation and is appropriately sized in both the scale and nature of that activity with the land available. The submitted information from the applicant is lacking in justification and somewhat contradictory. Firstly, the applicant states that a felling license has not been acquired as the previous forestry activity on the site has been below the personal allowance – i.e. less than 5 cubic metres a quarter. However, the size of the building is required to house a digger, dumper, two petrol log splitters and various ground clearing equipment. Some of these, such as a digger, dumper and ground clearing equipment could be argued as not being ‘reasonably required’ for forestry. The site visit also showed that there is an existing building used for forestry purposes on site, which is larger than the one proposed, which presumably could be utilised for the personal forestry activity which has been submitted by the applicant.

For the above reasons, the proposed development is not considered to be reasonably necessary for the purposes of forestry activity on a domestic site which has been established through previous planning application and the prior notification is required and recommended for refusal.

#### **Recommendation**

#### **Prior Approval required and refused**

#### **Reasons:**

- 1 The proposed development does not meet the parameters of Part 6, Class E of the General Permitted Development Order (2015) in that the proposed forestry building is located on an area of land which forms part of the established domestic curtilage for the dwelling and the applicant has failed to present sufficient evidence which justifies that the proposed building is reasonably necessary for the purposes of forestry, taking into account the size of the building, the equipment that the applicant has stated will be stored within the building, the level of forestry to be undertaken and the existing building on site which is larger than the proposed and already used for similar purposes.