

6. FULL APPLICATION- ERECTION OF STORE FOR WOODLAND MANAGEMENT EQUIPMENT AT SMALLDALE PLANTATION, BATHAM GATE ROAD, SMALLDALE (NP/HPK/0225/0144, HW)

APPLICANT: MR & MRS JOHNSON

Summary

1. The application site lies within Smalldale Plantation, an area of woodland approximate 2.66ha located on a north facing slope adjacent to Batham Gate Road, Smalldale, to the south of Peak Forest.
2. The plantation is covered by a Tree Preservation Order (022)
3. A prior notification decided in December 2024 that planning permission was required for a proposed forestry building, referred to the Woodland Management Plan that has been submitted with this current application.
4. It was determined through the latest prior notification that the permanent siting of a building was not reasonably required for the purposes of forestry. Planning permission would therefore be required for the proposed building.
5. It is understood from the Woodland Management Plan that works are required within the woodland which mainly include the management of Ash Dieback and this would in result in the generation of timber. It is suggested within the Woodland Management Plan that the majority of the timber is left on the woodland floor as deadwood or for the creation of dead hedging.
6. It is considered that a permanent building for the storage of a quadbike, trailer and equipment is not reasonably necessary in the connection with works outlined in the Woodland Management Plan.
7. The application is therefore recommended for refusal.

Site and Surroundings

8. Smalldale Plantation is a rectangular area of woodland approximately 2.66ha in area which is located abutting the south side of Batham Gate Road, Smalldale, to the south of Peak Forest.
9. The plantation formerly owned by the Peak District National Park Authority was sold in 2016 and then sold again in 2021 to the current applicants.
10. Smalldale Plantation, given its elevated location on a gently sloping north facing hillside is clearly visible from several public vantage points and given the surrounding open landscape of the limestone plateau it is visible from a wide area.
11. The wood is accessed by a vehicle gate onto Batham Gate Road in the north east corner of the woodland. There is a small area of hardstanding between the gate and the highway and an area of hardstanding inside the gateway to the woodland.
12. The proposed storage building is shown set well back into the woodland from the road. Plans show it is 3.4 m by 4.4 m with an eaves height of 1.81 m and an overall height of 2.85 m. The building is to be constructed using the logs from the woodland. Entrance doors are located on the front elevation and two windows are proposed on one of the side elevations.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The proposed forestry building is not acceptable in principle as the building is not functionally required for the purpose of implementing the Woodland Management Plan in connection with forestry works required at the site. The development is therefore contrary to Development Management Policy DME1.**

Key Issues

13. Whether the proposed store for woodland management equipment is considered functionally required for the purpose of forestry and whether the development is considered acceptable in relation to landscape impact and any impact on protected trees.

History

14. NP/GDO/0319/0277- GDO Notification for Proposed Tool Store determined that the proposal required planning permission.
15. NP/GDO/0224/0207- GDO Notification for Proposed Wooden Store – determined that Prior Approval was required, further details requested, none received.
16. NP/GDO/1124/1268- GDO Notification for a new Timber Store building for woodland management equipment. Determined that proposal required planning permission.

Consultations

17. Derbyshire Highway Authority – No objections to the proposal.
18. High Peak Borough Council – No comments received to date.
19. Peak Forest Parish Council- No comments to date.
20. Peak District National Park Authority's Tree Officer-
 - The site has a ten-year Woodland Management Plan which was approved in 2022 under a TPO application. The plan makes provision for the replanting of diverse tree species within the areas proposed for diseased ash removal
 - Any trees removed should be replaced in accordance with the approved plan.
 - If the application were to be approved, it is suggested that a condition is made for adherence to the approved Woodland Management Plan.

Representations

21. 4 letters of support have been received from the public and have raised the following matters:
 - The development is essential for the effective long-term management of this site.
 - The shed represents a responsible and environmentally conscious project and is to be constructed of materials on site.
 - Will allow the owner to maintain the plantation in a way that support biodiversity.
 - This will see an investment into the site, with the intention of ensuring the woodland is easier to maintain.
 - Without appropriate infrastructure to the woodland it is not difficult to maintain.

- The owner's intention is not for personal gain but to protect the woodland for future generations.
- Having to carry heavy tools over long distances creates barriers to effective management of the woodland.
- Disappointing that the application has not been approved under the prior approval route given its alignments with conservation and sustainability principles.
- The shed will be an excellent example of development with minimal environmental impact.
- Smalldale Plantation is a valuable pocket of biodiversity.
- The routine works were made unnecessarily difficult given the site is on a steep slope and tools have to be carried up from the gateway.
- The applicants have already encouraged wildlife to the woodland. Allowing them to store essential equipment in the wood will enable them to do much more to encourage more varieties of wildlife.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, CC1,

Relevant Development Management Local Plan policies: DME1, DMC3, DMC11, DMC13

National Planning Policy Framework

22. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for National Parks in England: to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. When they carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
23. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
24. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.

Relevant Development Plan Policies

Core Strategy Policies

25. GSP1, GSP2: These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

- 26. GSP3: Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
- 27. L1: Requires that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
- 28. L2: Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
- 29. CC1: Development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

- 30. DME1: Requires that new agricultural and forestry building, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:
 - (i) location and size of farm or forestry holding;
 - (ii) type of agriculture or forestry practiced on the farm or forestry holding;
 - (iii) intended use and size of proposed building;
 - (iv) intended location and appearance of proposed building;
 - (v) stocking type, numbers and density per hectare;
 - (vi) area covered by crops, including any timber crop;
 - (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
 - (viii) dimensions and layout;
 - (ix) predicted building requirements by type of stock/crop/other usage; and
 - (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy including winter housing to protect landscape.
- 31. DME1 also goes on to state that new agricultural and forestry buildings, structures and associated working spaces or other development shall:
 - (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
 - (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
 - (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
 - (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
 - (v) avoid harm to the setting, fabric and integrity of the Natural Zone.
- 32. DMC3: A high standard of design is required which where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context.

33. DMC11: Proposals should achieve net gains to biodiversity. In considering if a proposal conserves and enhances sites, features or species of wildlife importance all reasonable measures must be taken to avoid net loss by demonstrating the following matters in the below order have been considered: (i) enhancement proportionate to the development; (ii) avoidance of adverse effects; (iii) the 'do nothing' option and alternative sites causing less harm; (iv) appropriate mitigation; and (v) as a last resort, compensation measures.
34. DMC13: Requires that Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent
35. DMC13 goes on to state that trees and hedgerows, including ancient woodland and ancient and veteran trees, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.
36. Part C of DMC13 states that development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.
37. Part D of DMC13 states that trees, woodlands and other landscape features should be protected during the course of the development

Assessment

Principle of Development

38. Policy DME1 allows for the principle of a new forestry building where it is demonstrated that the building is functionally required for that purpose from information provided by the applicant and assessed against all the relevant criteria set out within the policy.
39. Smalldale Plantation is a block of woodland approximately 2.66ha. The woodland comprises mainly semi-natural broadleaf trees. This application seeks permission for the erection of a building within the main part of the woodland to store tools. The required tools are listed in the submitted Planning Statement and includes the following equipment:
- Quad Bike and Trailer- needed for moving tools and felled wood around and to the entrance gate
 - Axes
 - Loppers
 - Knives
 - Saws
 - Chain Saw
 - Barrel for making charcoal
 - Work bench for maintaining tools and sharpening equipment
 - Workbench for tools including screwdrivers, mallets, hammers and tools for maintaining boundaries.
40. The planning statement puts forward an argument of justified need for the building, stating that the applicant's live over 20 miles from the site. They own a modestly sized domestic vehicle and all of the equipment required does not fit within this

vehicle. It goes on to state that the site does not have a vehicle access into the site and it would not be desirable to introduce permanent tracks to facilitate this.

41. It is acknowledged within the planning statement that the area of the site requiring ash die back works, as identified in the Woodland Management Plan, is close to the highway. It is stated however that further works will be required throughout the woodland in the future. It is also stated that the applicant does not have alternative accommodation at home to store tools, a quad bike and trailer to transport these to site on an ad hoc basis.
42. Officers note that the Woodland Management Plan submitted to support this full application is the same plan submitted in support of the previous General Development Order Notification Application. The Authority's determination of that application concluded that the proposed building was not reasonably necessary for the purposes of forestry when considering the works required by the Woodland Management Plan, and therefore would require a full application for planning permission.
43. A site visit has shown that there is in fact a vehicle access into the site. There has been a longstanding timber 5-bar gate off the road into the wood at its the north-east corner. There is an area of vehicle hardstanding between the roadside and gate as well as a small hardstanding area inside the gateway.
44. As outlined in the Planning Statement and Woodland Management Plan, a large proportion of the works proposed relate to Ash dieback works. The plan divides the wood into compartments and sets out the recommended work in each. The first stage of the works is initially in 'Compartment One' which is adjacent to the highway, close to the vehicle access.
45. In 'Compartment One' ash is to be selectively removed and replanting is proposed. Some trees are to be retained as deadwood whilst other trees to be removed in this section are to be used to make habitat piles, dead hedging and path edges.
46. The access track from the vehicle access and hardstanding is proposed to be widened to give access for the quad bike and trailer for future management works.
47. 'Compartment Two', part of the centre of the area of woodland, comprises an open understory with mainly mature Beech Trees. This area of the site slopes up to the south of the site and then levels out. This compartment is where the proposed building is proposed to be located.
48. The recommendations in the woodland management plan include the management and regeneration to establish a more diverse understory by thinning some Beech Saplings and allowing mature ash to naturally decline or by pruning. Any dead or fallen trees are recommended to be retained to increase deadwood habitat. The understory is to be planted with shade tolerant species.
49. 'Compartment Three', on the eastern slope, outlines not much management is required within this area which is ecologically sensitive, with only limited removal of some Beech saplings to increase diversity. This area is to be allowed to re-wild, with all dead and fallen wood and limit access to this area by using dead hedging to create informal barriers.
50. 'Compartment Four', relates to the outer perimeter of the site. Recommendations in this area include removal of some of the most diseased ash trees and selectively thin the Beech and Sycamore Trees. The woodland edge is recommended to be replanted with suitable species and bird and bat boxes are recommended.

51. Whilst it is acknowledged that tools are required for the works proposed, it is not considered that storage within the proposed building or a quad bike and trailer are functionally required to carry out the works outlined in the Woodland Management Plan.
52. The works proposed include leaving a large amount of dead or felled trees and saplings as dead wood or for hedging. Therefore, the removal of the logs from the site is limited as outlined as one of the objectives of the management plan. Objective 8 states the woodland is to be managed to 'allow the extraction of limited amounts of wood' but leave large diameter fallen wood and some smaller diameter felled wood on site for biodiversity enhancement.
53. Once the works approved under the TPO application and set out in the Woodland Management Plan have been carried out, it is not considered that frequent works would be required to maintain the woodland. Given the scale of the operations, for a woodland of this size it is not considered that the proposed building is functionally required for forestry. The works are also proposed over a ten-year period and therefore the frequency of works being carried out at the site is limited.
54. Whilst the applicant's personal circumstances are considered in terms of their vehicle and space at home, this does not justify the need the permanent siting of a building within the woodland.
55. The hand tools required for the works would reasonably be able to fit within a modestly sized domestic vehicle and therefore a storage shed for these on site would not be justified. Given the significant amount of timber to be left within the woodland, and the limited timber being removed, a quad bike to be left permanently on site is not considered functionally required.
56. The works which are set out in the Woodland Management Plan do not demonstrate that the building at the scale proposed is functionally required for the purpose of the works to be carried out within the Woodland Management Plan and the proposed development is therefore contrary to part A of Development Management Policy DME1.
57. It is acknowledged that the building is to be sited within the woodland and constructed using the wood from trees which are to be felled. Given its location and surrounding tree cover, it is considered the proposal would comply with Part B of DME1, however the policy is assessed as a whole and as the building is not considered to be functionally required, the principle of a building in this location is not considered acceptable.

Design and Landscape

58. The proposed building is to be constructed using timber from trees which are to be felled. No solid base is proposed for the building.
59. The building would be sited within the woodland at the top of the slope which is screened by the existing trees.
60. There are views of the block of woodland from the wider landscape, however, due to the location of the proposed building within it and the materials proposed, any views of the building will be screened by vegetation and viewed against the existing woodland. It would therefore not have an adverse visual impact on the wider landscape

61. If the application were to be acceptable in principle, the proposed development is considered to comply with Development Management Policy DMC3 which states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of high standard that respects and where possible enhances the natural beauty, quality and visual amenity of the landscape.

Amenity

62. As the building is proposed to be located in an isolated position, away from other property, it is considered that the proposed building would not raise any issues in terms of amenity.

Trees

63. The whole of the woodland site is covered by a Tree Preservation Order. The works covered within the submitted Woodland Management Plan were approved under Tree Application NP/TPO/1122/1366.
64. The Authority's Tree Officer has provided comments on this application. It is acknowledged that the site has a 10-year Woodland Management Plan which was approved in 2022.
65. Section 8.2 of the approved Woodland Management Plan makes provision for the replanting of diverse tree species within the areas proposed diseased ash removal. Any trees which are removed in regard to this planning application should be replaced in accordance with the approved plan.
66. It was suggested within the Tree Officer's comments that if the application were to be approved, a condition be included requiring adherence to the approved Woodland Management Plan.
67. Subject to the Woodland Management Plan being complied with, it is considered that the proposed development would not cause damage to protected trees and therefore complies with Development Management Policy DMC13 which requires trees, woodland and other landscape features should be protected during the course of the development.

Highways

68. The site is accessed by a timber 5 bar gate. In the front of the gate, adjacent to the highway, this is parking for one car clear of the road. Inside of the gate there is a hardstanding area.
69. The Highway Authority have raised no objections to the proposal. It is therefore considered that the proposed development for the storage building would have adequate off-street parking and would not impact highway safety.

Ecology

70. As the area of the site proposed to be development is less than 25sqm, the development is considered exempt from providing the 10% statutory net gain for biodiversity. The Woodland Management Plan in itself would provide biodiversity enhancement to the woodland.
71. The Woodland Management Plan recognises the ecological sensitivity of the site and given the nature of the building and the building method utilising timber felled

on site, it is considered that the development would not cause ecological harm or adversely impact on any protected species.

72. Had the principle been acceptable, the applicant would have been reminded within any approval of the need to comply with the Wildlife and Countryside Act in relation to protected species.

73. On this basis, the proposal complies with policy L2 and DMC12, which require the ecological interests of the site to be protected.

Climate Change

74. The nature of the development limits the extent of measures that can be incorporated into the development in terms of providing renewable energy. However, the building is to be constructed of materials already on site and will include the re-planting of trees which will contribute to carbon reduction and it is considered that the development would comply with Core Strategy policy CC1.

Conclusion

75. The proposed store building within Smalldale Plantation is not considered to be functionally required for forestry purposes for the works set out in the Woodland Management Plan. The development is contrary to Development Management Policy DME1.

76. The application is therefore recommended for a refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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