



Decision by Sinéad Lynch, a Reporter appointed by the Scottish Ministers

- Prior Approval Consent appeal reference: PAC-270-2001
- Site address: Invermoriston Holidays, Dalcraig Road, Invermoriston, Inverness-shire IV63 7YF
- Appeal by Mr and Mrs Gregory against the decision by The Highland Council
- Application for prior approval consent 18/02098/pno dated 9 May 2018 refused by notice dated 6 June 2018
- The development proposed: erection of agricultural shed for tractors, implements, ground/woodland maintenance tools and associated workshop
- Application drawings: location plan, elevations, forestry plan
- Date of site visit by Reporter: 29 August 2018

Date of appeal decision: 21 November 2018

Decision

I allow the appeal and grant prior approval consent. Attention is drawn to the advisory note at the end of the notice.

Reasoning

1. The appeal site is approximately 6.5 hectares in size and comprises an established holiday park of single storey chalets and lodges in a woodland setting, adjacent to the River Moriston and the Great Glen Way. The site slopes upwards from north-east to south-west and also contains a home for the park owners / operators, an amenity block for users of the park, storage sheds and a small reception area. It is proposed to construct a sheet metal shed measuring 9 metres by 18 metres, with an eaves height of 3 metres and a ridge height of 3.793 metres. Fiberglass skylights would be installed on the roof. Access to the shed would be from the existing hardstanding area adjacent to the holiday park reception building.

2. The application was made using the standard form which is used for prior consent / prior notification applications under both Part 6 and Part 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (GPDO). The form does not distinguish between farm and forestry works. The purpose of the proposed development was stated to be "agricultural shed for tractors, implements, ground / woodland maintenance tools and associated workshop". The planning authority determined the application in the required 28-day period under delegated powers and refused consent for the works. The authority concluded that the site was a commercial



holiday park and not an agricultural unit, and therefore the proposed development was not Permitted Development under Class 18 (1) (a) of the GPDO. It was also concluded that the proposed development did not meet the tests for the Prior Notification procedure, but that a planning application would be considered favourably by the planning authority. All parties are agreed that the holiday park is not an agricultural unit and does not benefit from permitted development rights under Class 18.

3. Following determination of the application and on receipt of the decision notice, the appellants contacted the planning authority to advise that the application had been made under Class 22 within Part 7 of the GPDO, which relates to forestry buildings and operations, and not under Part 6. I consider that given the context of the submitted form and the reference in the description to forestry it is appropriate to assess whether the notification could be approved as a forestry building. Class 22 within Part 7 of the GPDO states that:

(1) The carrying out on land used for the purposes of forestry, including afforestation, or in the case of sub-paragraph (c) land held or occupied with that land, 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).

4. The appellants are of the view that the proposed development falls within the remit of Class 22 (1) (a) within Part 7 of the GPDO and so prior approval consent should have been granted. It is appropriate to consider this argument first, before addressing the issues of siting, design and external appearance, which are to be considered if the proposed development is found to be permitted development in terms of the GPDO.

5. Permitted development relating to forestry for the purposes of Part 7 of the GPDO is "The carrying out on land used for the purposes of forestry, including afforestation, or in the case of sub-paragraph (c) land held or occupied with that land, of development reasonably necessary for those purposes". I sought clarification through my procedure notice dated 23 August 2018 on the extent of the forestry activity on the site and the appellant has confirmed that although the site as a whole is a holiday park, approximately 50% or some 3.25 hectares of the land is given over to woodland, coppicing and an afforestation programme. I am informed that the site has won awards for wildlife habitat creation. The appellants have also confirmed that the new building would be used to store machinery and implements and to provide a workshop space associated with the forestry operations on site. No response was received from the council on these matters. I note from my site visit that there are other buildings on site which are used for storing materials, machinery and equipment associated with the holiday chalets and lodges but that there appears to be no capacity in existing buildings to accommodate the forestry related equipment and workspace.

6. I conclude that the proposed development would be reasonably necessary for the purposes of forestry and would result in a building designed for the purposes of forestry,

based on the information submitted by the appellants in response to my request. Therefore, I conclude that the proposed development would be permitted development in accordance with Class 22 (1) (a) of Part 7 of the GPDO.

7. Planning Circular 2/ 2015: Consolidated Circular on Non-Domestic Permitted Development Rights sets out at Annex E Agricultural and Forestry Building and Operations paragraph 11 that “Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration”. Paragraph 12 of the Circular directs the planning authority to consider the visual effect of the development. As I have concluded that the proposal for the erection of a new forestry building meets all the other requirements in the GPDO, the siting, design and external appearance of the development remain to be assessed and approved.

8. The planning authority, without prejudice to any subsequent decision, state they have no reason to consider that a planning application would be refused. In so doing they do not consider there would be any significant impact on its surroundings or corresponding conflict with the development plan. My assessment of the detailed siting and design of the proposal follows this premise.

9. The design of the building as proposed is a standard, coated sheet metal shed, rectangular in form with a shallow roof pitch and fiberglass skylights. It would be located with the gable end facing the site access road and behind the existing reception building at the eastern end of the site. It would, I find, form part of a logical group of buildings which are related to the holiday park but operational rather than holiday accommodation. The siting of the new building would facilitate access to the wooded parts of the site with minimal disturbance to the chalets and lodges. The landscape character of the site would be preserved, as the proposed siting of the shed would have a minimal impact on the openness of the site, being located within the existing group of buildings.

10. In terms of visual impact, the proposed new building would be visible to those travelling west on the Great Glen Way, but I am satisfied that this would not be considered an intrusive element. The design of the proposal is a standard style of building used for operations in the countryside, it would not be an unexpected built element in the countryside and it would not impede any existing views or vistas. Much of the site is shielded from views into it due to its wooded nature and its topography which slopes away from the public roads. I conclude that the proposed development would be appropriate in terms of siting, design and external appearance.

11. In relation to cultural heritage, the council’s Historic Environment Team has confirmed that there appear to be no issues regarding the historic environment and this proposal. I have seen no evidence from any party to suggest otherwise, so I am content that there would be no impact on the historic environment arising from this proposal.

12. The appellants have directed me to an appeal decision in England, which they consider was made in similar circumstances. Appeals against the refusal of prior approval consent, and all other appeals, are considered on their own merits. Therefore, while I have considered the appeal decision ref:APP/P0119/W/15/3003480 in determining this appeal, the weight I have given it is commensurate with its relevance.

13. I conclude that the proposed development constitutes permitted development in accordance with Class 22 within Part 7 of the GPDO. I also conclude that the siting, design and external appearance of the proposed building would be appropriate and that the building would have no significant impact on its surroundings. I have considered all other matters raised, but there are none which would lead me to alter my conclusions.

Sinéad Lynch

Reporter

Advisory note

The duration of this Prior Approval: This Prior Approval will lapse on the expiration of a period of 5 years from the date of this decision notice, unless the development has been started within that period. [See PART 7, Class 22 (3) (v) (a) of the Town and Country Planning (General Permitted Development) (Scotland) (Order) 1992.]