

SECTION '2' – Applications meriting special consideration

Application No : 16/03045/FULL1

Ward:
Hayes And Coney Hall

Address : Fullers Wood Nash Lane Keston

OS Grid Ref: E: 540371 N: 163677

Applicant : Ms C Dennison

Objections : YES

Description of Development:

Single storey wooden shed for storage of work tools and to provide shelter while maintaining woodland.

Key designations:

Smoke Control SCA 24

Proposal

The application seeks planning permission for a single storey wooden shed for storage of work tools and to provide shelter while maintaining woodland.

The proposed shed will be located at the end of an existing track (a distance of 42m) which leads from Nash Lane into Fuller's Wood. It will measure 4.1m (length) by 2.7m (width) and will have a flat roof by 2.2m high. The shed will be constructed of feather edge wooden panels with the doors located on the front elevation to be plywood ledge and brace. The roof of the shed is shown to be a green sedum roof.

The application was originally described as 'RETROSPECTIVE' as a structure has already been partially constructed. However, the proposed shed which is detailed within the application will be of a smaller size and differing materials and as such the reference to 'RETROSPECTIVE' has been removed.

The applicant submitted a Woodland Management Plan to accompany the proposal during the course of the planning process.

Location

The site is an area of woodland 11.1 hectares in size located off Nash Lane, Keston. It is located within an area designated as Green Belt. The land is also covered by a blanket Tree Preservation Order and is a Site of Importance for Nature Conservation (SINC).

Consultations

Nearby owners/occupiers were notified of the initial application and representations were received which can be summarised as follows:

- o The building in place differs from the one shown on the drawings and so a retrospective application is not appropriate.
- o The shed is not reasonably necessary for forestry purposes and no evidence has been provided by the applicant to support why the building is 'reasonably necessary'
- o Nearby Coopers Wood does not require a building for maintenance purposes
- o The building can be seen from the surrounding area particularly when the trees are not in leaf
- o Detracts from the appearance of established woodland
- o Corrugated steel sheeting roof is visible
- o The Sedum roof applied for is not in place

- o The location of the shed under a tree canopy may make the Sedum roof inappropriate as the plants will not flourish and the roof sheeting will become exposed
- o The existing wall covering is a light plastic materials and not feather edged boarding - will this existing covering be replaced?
- o The building shown on the previous drawings was larger
- o The drawings do not show the rear elevation
- o The drawings are unclear and do not show if the roof is pitched or flat
- o The addition of 'provide shelter' to the application is a concern as is open to interpretation without limitation

Neighbours were re-consulted on 17.05.17 following the receipt of the Woodland Management Plan and representations were received which can be summarised as follows:

- o Thought permission had been denied and it should have been removed.
- o As a green woodsman and a member of the coppice society it would be most unusual to require storage for tools etc in any wood.
- o There is no other similar site that has a shed
- o The 'proposed' Woodland Management Plan doesn't provide any justification for a building, especially as the proposed work would be carried out by a professional and qualified Tree Surgeon, who would not need such facility.
- o The Woodland Management Plan is very generic, and does not provide any detail of what is actually proposed to achieve the objectives. The Plan is lacking in detail and does not indicate a thought through approach. There is mention of objectives but these do not justify provision of a shed.
- o The Woodland Management Plan is lacking; No timescales for the work are stated, no details are provided as to how the work will be undertaken or what involvement will there be from contractors.
- o The work would require specialist expertise to ensure that the trees which are subject to TPO are adequately protected
- o The Woodland Management Plan is inconsistent
- o Section 2.2 (3) of the Woodland Management Plan sets an objective to make the woodland accessible for young children, but does not describe how this will be achieved at the same time as not damaging the habitats they wish to complete
- o Section 6 of the Woodland Management Plan states that the dead wood will be removed which is environmentally poor practice
- o The Woodland Management Plan does not give enough detail as to what will be planted or describe what a poor tree is.
- o Fullers Wood has been allowed to grow wild for at least 30 years and is not woodland that would require much maintenance
- o Neighbouring Coopers Wood is of a similar size and the limited maintenance works do not require a building
- o The work indicated would be undertaken seasonally and would require a professional tree surgeon who would bring their own equipment which they would not need to leave on site
- o There is no evidence as to why the building is reasonably necessary and the applicants personal circumstances ie living far away should not be a factor
- o A larger building was originally proposed which looks to have windows and insulation and this does not demonstrate an intention to provide a simple shed for the storage of a few basic tools.
- o The addition of ' to provide shelter' to the application is of particular concern as this could be open to a very wide interpretation without limitation.
- o The building can be seen clearly from the surrounding area, particularly when the trees are not in leaf, and detracts from the appearance of the established Green Belt woodland.

- o The plans show a Sedum Roof to cover the sheeting, but the location of the shed under a tree canopy may well make a Sedum roof inappropriate
- o The area is prone to thefts of farming related equipment and the building could become a target for theft and vandalism
- o The rear elevation is not shown on the submitted drawings - it is unclear from the drawings whether the roof is pitched or flat, the application is therefore incomplete.
- o Action should be taken to enforce the removal of the existing unauthorised building before the Council is out of time.
- o The site is within the Green Belt and the area indicated for the construction of the building is within a Site of Interest for Nature Conservation. The land is also covered by a blanket Tree Preservation Order). All these factors warrant a high standard of protection and the applicant should be refused.

Comments from Internal and External Consultees

The Council's Principal Tree Officer has advised that;

"The woodland management plan adopts the Forestry Commission template and indicates the short term strategies. The management strategy is supported.

There is an existing access track in the woodland accessed from Nash Lane. This appears to be well established and the surrounding ground is compacted.

The proposed shed appears sympathetic to the woodland and will not require any excavations or major alterations to what current exists. Given the level of management expected for a woodland of this size, a storage shed is not opposed. I would therefore recommend planning permission without any tree focused planning conditions."

Planning Considerations

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 9 - Protecting Green Belt land

The London Plan (2015):

The most relevant London Plan policies are as follows:

- Policy 7.16 Green Belt
- Policy 7.21 Trees and Woodlands

Unitary Development Plan (2006):

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- G1 Green Belt
- NE2 Development and Nature Conservation Sites
- NE7 Development and trees
- NE8 Conservation and Management of Trees and Woodlands

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

Draft Local Plan (2016):

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 49 Green Belt

Draft Policy 69 Development and Nature Conservation Sites

Draft Policy 73 Development and Trees

Draft Policy 74 Conservation and Management of Trees and Woodlands

Planning History

Under ref: 93/01576/FUL, planning permission was refused for a detached single storey building for stables and tack room for the following reasons;

"01 The proposed stable building would be detrimental to the woodland which is protected by a Tree Preservation Order, hence contrary to Policy E.13 of the Bromley Borough Plan and Policies G.26 and G.28 of the Deposit Draft of the Unitary Development Plan.

02 The site of the proposed stable building does not fall within the established curtilage of a farm, livery stable or riding school and is therefore contrary to Policy L.6(ii) of the Deposit Draft Unitary Development Plan."

More recently, an application for a lawful development certificate for an existing Single storey detached wooden shed to store a trailer to be used for Woodland maintenance was deemed to be unlawful for the following reason;

"The single storey detached wooden shed is development under Section 55 and therefore requires planning permission."

Under ref: 16/01597/AGRIC, a prior approval application for a Single storey detached wooden shed to store tools was refused for the following reason;

"The development does not meet the criteria set out in Class E.2(a) and E.2(c), Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the works have begun prior to the submission of and the 28 day expiry period of the prior approval application."

Conclusions

The primary considerations in this case are the impact of the proposal on the Green Belt, including whether or not the development is appropriate and if it is not, whether there are any very special circumstances to justify inappropriate development which mean that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as set out in the NPPF and Policy G1 of the UDP.

The application site is an area comprising some 11.1 hectares of woodland located within the Green Belt. The applicant proposes to erect a single storey wooden shed for storage of work tools and to provide shelter while maintaining the woodland. The proposed shed will

be located at the end of an existing track (a distance of 42m) which leads from Nash Lane into Fuller's Wood and will measure 4.1m (length) by 2.7m (width) by 2.2m (height).

Policy G1 states that within the Green Belt "permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm". Policy 7.16 of the London Plan similarly indicates Green Belts should be protected from inappropriate development and makes reference to the policy guidance outlined within paragraphs 79-92 of the NPPF.

The Council must determine whether or not the development is appropriate and if it is not, whether there are any very special circumstances to justify inappropriate development which mean that the harm by reason of inappropriateness. Paragraph 89 of the NPPF is noted, which states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". However, exceptions to this include buildings for agriculture and forestry. Policy G1 of the UDP also states that the construction or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is, amongst other uses, for (i) agriculture and forestry.

Concerns have been raised locally as to the need and use of shed and that neighbouring woodlands which are maintained do not require a shed. It is noted that the woodland appears unmanaged at present. Policy NE8 of the UDP, which is supported by Policy 7.21 of the London Plan, states that the Council will encourage appropriate beneficial management of trees and woodlands to improve their amenity and conservation value. The applicant submitted a Woodland Management Plan on 15.05.17 as supporting justification as to the need for a shed at the site. The Council's Principal Tree Officer has reviewed this document and advised that the Plan adopts the Forestry Commission template and indicates the short term strategies. Furthermore, that the management strategy is supported, and that the proposed shed appears sympathetic to the woodland and will not require any excavations or major alterations to what currently exists. In addition, they advised that given the level of management expected for a woodland of this size, a storage shed is not opposed.

Accordingly, having regard to the above, Members may consider that the erection of a shed in conjunction with the management of the woodland would not be inappropriate development in this instance. Members may also note that a condition is recommended for any approval to ensure that the use of the shed relates only to the storage of works tools for the maintenance of the woodland and for no other use.

Notwithstanding the above, the Council must also ensure that "the openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design" as required by Policy G1 of the UDP.

Concerns have been raised locally as to the impact of the shed on the visual amenity of the Green Belt and the appearance of the established woodland. However, the shed would occupy only 11m² of floorspace and would have a modest height of 2.2m. It will be located 42m along the existing track which is accessed from Nash Lane and will be constructed of wooden panels with a green sedum roof. Due to its limited size, height and the proposed materials, Members may consider that it would not impact in any significant way on the openness of the Green Belt and would not cause harm the character and appearance of the existing woodland in this rural location. A condition relating to the approval by the Council of the proposed materials, including the sedum green roof, is recommended to ensure these remain appropriate.

The site is also designated as a Site of Importance for Nature Conservation (SINC) and is covered by a blanket TPO. As stated in above, the Council's Principal Tree Officer does not consider that the shed would result in any harm to the existing trees and has not recommended any additional tree protection conditions. Policy NE2 which relates to development and nature conservation sites refers to development proposals that may significantly affect the nature conservation interest or value of the SINC. Given that the size and proposed use of the shed and that no excavation works are required for its erection, Members may consider that there would not be any significant harm caused to SINC from the proposed development.

It is noted that a partial structure has already been erected which is larger than that proposed, and a condition is recommended to secure its removal before the proposed shed outlined within this application is constructed.

Having regard to all the above, Members may consider that proposed shed would be acceptable in that it would not constitute inappropriate development in the Green Belt and would not result in any significant harm to the character and openness of the Green Belt or nor the visual amenities of the surrounding area. It is also not considered to result in any significant harm to the protected trees nor to the Site of Importance for Nature Conservation within which it lies. The proposal would therefore accord with the aims and objectives of Policies G1, NE2, NE7 and NE8 of the Bromley Unitary Development Plan, Policies 7.16 and 7.21 of the London Plan and Chapter 9 of the National Planning Policy Framework.

Background papers referred to during production of this report comprise all correspondence, excluding exempt information.

as amended by documents received on 15.05.2017

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

REASON: In order to comply with Policy G1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4** The single storey wooden shed hereby permitted shall only be used for the storage of work tools to maintain the woodland and for no other purpose.

REASON: In order to comply with Policy G1 of the Unitary Development Plan and in order to protect the character of the Green Belt.

- 5** The existing structure on the site shall be removed within three months of the date of the decision of this application and prior to the erection of the single storey wooden shed hereby permitted.

REASON: In order to comply with Policy G1 of the Unitary Development Plan and in the interest of the openness of the Green Belt and the visual amenities of the area.