

Report to	Planning Committee
Date	9 February 2017
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/16/03499/FUL
Applicant	Dangstein Conservancy
Application	The use of the land for forestry and recreation (including archery), traditional woodland crafting, education and tourism through the provision of 6 camping pitches, 6 overnight shelters, and a community shelter with separate composting toilet and washroom, and improvements to disability accessibility by surfacing an existing path for wheelchair use and creating 2 disabled car parking spaces
Address	Laundry Cottage East Dangstein, Dangstein Road, Rogate, GU31 5BZ

Recommendation: That planning permission be refused for the reasons as set out in paragraph 11.1 of this report

Executive Summary

This application relates to the change of use of 11 hectares of woodland, which has been in commercial forestry use, to a centre for training in traditional woodland craft, educational activities, recreational activities including forestry and tourism. Some of these activities have been taking place on the site and the application has arisen following complaints to Chichester District Council and SDNPA relating to these and structures being erected. Activities on site have been the subject of enforcement investigation although this in itself has limited bearing on the application. The application in part seeks to regularise some of the breaches of planning regulations occurring on the site. Whilst the commercial forestry activity would continue on the site alongside the proposals.

The proposals include the siting of a number of timber buildings to provide 6 simple overnight accommodation units, a community building and composting toilet; and 6 camping pitches. The woodland has also been used by a field archery club for many years but these activities have not been continuous and so this application includes this use so as it can continue. The buildings are simple structures which can easily be removed from the site and the applicant would agree to a temporary permission, in the event planning permission were granted, to try allay the concerns of local residents.

The application is being considered by the planning committee due to the high number of representations.

I. Site Description

- I.1 The application site, which covers approximately 11 hectares, was formerly part of the Dangstein Estate which was subdivided and sold by the National Trust in a number of lots in 2007 and 2008. The applicant acquired an area of commercial forestry land in conjunction with a dwelling house called Laundry Cottage. This application relates to the woodland in his ownership.
- I.2 The site is 1.7 miles m east of Rogate and is accessed from the A272 via Fyning Lane. It

comprises part of a south facing hillside and following the commercial felling of trees on the central part of the site it has distant views south towards Harting Down. The site comprises an area of predominantly late 20th Century woodland, though on the eastern side of the site there is an area of designated ancient woodland. The site has a number of accesses onto lanes around the site. The main and most used access on Dangstein Road, which is also serve two other separate dwellings.. Other accesses into the land would remain, in particular an access onto Fynings Lane to serve the timber yard and Laundry Cottage.

- 1.3 Over the past 5 years the site has been the subject of a woodland management plan linked with areas of conifer plantation were felled and are being restored heathland. This has also included the introduction of pigs and sheep into selected areas of the site to manage the growth of bracken and to develop herbage.
- 1.4 A number of structures have been erected without benefit of planning permission including composing toilet and field shelter as well as an occupied residential caravan. The applicant states the former will be removed but the latter is the subject of an enforcement investigation by SDNPA. A timber yard has been created at the western side the site, accessed from Fynings Lane. A small informal parking area for around 8 cars exists in the north east corner of the site which would continue to be used as the main parking area for the activities.
- 1.5 Surrounding the site are areas of woodland and common land with dispersed residential properties and villages. Fyning Lane defines the site's north-west boundary with the settlement of Rogate further to the west. A designed landscape of informal parkland (Dangstein) lies to the east and a number of properties surround the site set within woodland and tree groups. To the south lies Laundry Cottage and the large farmstead of Home Farm.

2. Proposal

- 2.1 The application proposes a mix of three predominant uses on the site together with the erection of timber structures (described below), the formation of paths and tracks and new parking areas: Commercial forestry activity associated with the management of the woodland would continue alongside this development. An existing shelter and composting toilet would be removed from the site and replaced by new structures. No trees would be felled to accommodate the proposals.

Proposed Activities

- Use of the site for education / training purposes
- Recreational activities
- New visitor accommodation

Use of the site for education and training purposes

- 2.2 The application seeks to regularise the education and training activities which have been taking place in recent years for a range of woodland management and timber crafts as well as a 'Forest School' and summer holiday activities.
- 2.3 Students would learn how to make items such as hurdles, gates, long bows, carvings, baskets and stools as well as handcrafted timber poles for larger rustic structures, which would not remain on site. These training courses have been trialled over a two year period and are proposed to be held monthly, both at weekends and on weekdays. Approximately 8 people would attend each session and they would stay overnight on site.
- 2.4 Alongside the training in woodland crafts, further education about other activities of animal tracking/identification, problem solving, cooking, identification of wildlife and outdoor art sessions are proposed. These Forest School events would similarly be held at weekends and weekdays during school term time, with up to 10 children and 3 supervising adults attending. No archery would take place when the Forest School activities are taking place.
- 2.5 'Bushcraft Days' for approximately 8 children and 6 adults plus 2 instructors would also be held. Up to three 'bushcraft days' will take place per month.

2.6 In addition these education events would support parents who home educate their children. These sessions may be attended by approximately 6 children plus parents, and would be held once a week during term times.

Recreation

2.7 The application seeks to regularise the activities of an archery club, which are currently not being undertaken on site. The club would use the site on Sundays throughout the year and attract around 12 members.

2.8 Other recreational activities being organised on the site include people wishing to study ecology or enjoy the Dark skies status of the South Downs. These events are likely to occur once every two months.

2.9 The site has also been used for holding a 'community' event and the draft travel plan refers

Tourism

2.10 The application proposes timber shelters and tent pitches which would be used by visitors. There is reference in the application documents to these being used by walker's following the Serpent trail and South Downs Way, though the latter is some distance from the site. The site and buildings described below would be used year round

The Proposed structures

2.11 The proposed structures proposed are to be grouped around the edges of a cleared area in the centre of the site, which it is proposed to restore to heathland. The structures themselves comprise.

- Six timber overnight shelters measuring 4.0m X 5.5m and 4.4m high.
- Timber composting toilet measuring 4.3 X 4.8m and 6m high
- Timber washroom measuring 4.3 X 6 m and 6m high
- Timber community shelter in a circular shape measuring 13m in diameter and 6.7m high.

2.12 These structures would replace the existing unauthorised structures on the site.

Traffic, Parking and Access

2.13 A Transport Statement and an addendum outline the following anticipated parking requirements for the various uses:

- Field Archery – up to 12 vehicles on Sundays
- Forest School and Home Education – up to 10 cars on weekdays
- Bushcraft sessions – up to 6 vehicles
- Woodland activities – up to 7 vehicles (a note states that these do not usually overlap with bushcraft sessions)
- Tourists – up to 5 cars – mostly at weekends.

2.14 The traffic which would be generated by the proposals would be highest at weekends, with up to 32 movements envisaged on Sundays and 32 on Saturdays, as a number of concurrent activities would take place.

2.15 The access on Dangstein Road, adjacent to Garden Cottage, would be used by all of the visitors. This access is not in the applicant's ownership but has rights of access. There is an ongoing civil matter regarding the use of the access for the proposed activities which would be beyond its use to access Laundry Cottage, but this is a separate matter beyond planning civil law.

2.16 An informal parking area exists in the north east corner of the site which would continue to be used as the main parking area for the activities. It could accommodate up to 8 cars. A track runs through the woodland from this parking area to the timber yard at the western end of the site which would be used to provide access to new overflow parking in the timber yard, should it be required. There would also be two disabled parking spaces along the track.. Given the level of vehicle movement and parking demands it is evident that the 'overflow' parking would be in regular use at weekends.

2.17 A surfaced pedestrian path is also proposed between the main parking area to the site

boundary with Laundry Cottage. This path would be provided to enable wheelchair users to undertake field archery on the eastern side of the site.

3. Relevant Planning History

- 3.1 10/04645/FUL: Creation of new access track and surfacing of existing track to serve dwelling and woodland. Approved 21 January 2011.
- 3.2 10.1239/FUL: Creation of partly new and surface dressing to existing woodland track with predominantly steep gradient. Withdrawn.
- 3.3 10/05271/FUL: Surfacing of existing woodland track, together with creation of new surfaced track with access to Dangstein Road to serve Laundry Cottage and woodland. Refused X. Appeal Dismissed 21 July 2011
- 3.4 A number of unauthorised structures and a residential caravan have been placed on the site in recent years, this together with the non-forestry related activities led to complaints and an enforcement investigation. The application under consideration in part seeks to regularise some of the activities but does not include the residential mobile home and proposes additional activities and structures.

4. Consultations

4.1 Rogate Parish Council: Objection

- Do not object to the continuation of commercial forest activity on the site but object to all other aspects of the proposal. Concern regarding future further development of the site. Proposals would result in a significant loss of amenity to adjacent and nearby residents.

4.2 SDNPA Design Officer: No objection

- No objection to the design of the scheme though some elevation details of the structure have not been submitted.
- Planning Officer Comment: The applicant has provided additional elevations and floor plans to cover the point are raised in this response.

4.3 SDNPA Landscape Officer: No objection, subject to conditions

4.4 SDNPA Dark Skies Officer: Comments

- From the plans there is no lighting planned so unable to comment on any impact. As the site is in a dark location there should be no lighting and that any internal or external lighting that is required should be detailed referenced against standard guidance's for the activity.

4.5 Hampshire County Council - County Ecologist: No objection subject to conditions

4.6 Chichester District Council - Environmental Health (Protection): No objection subject to conditions

4.7 South Downs Society: Objection

- The proposed activities would cause visual and other harm to the woodland, wildlife, access and light pollution. Additional information provided by the applicant does not address these concerns.

5. Representations

- 5.1 102 representations in support and 117 objections have been received. Some of those supporting or objecting have made duplicate submissions and others have submitted several comments relating to different issues at various stages of the application process. Representations have also been received from the immediate area as well as further afield. In addition to individual representations, a further pre-prepared objection letter was submitted to the Authority from individuals. Several objectors have engaged professional

advisors to write on their behalf, 31 local residents also signed two rebuttals in response to additional information submitted by the applicant.

5.2 Given the level of interest and the manner in which some representations have been submitted officers have sought to provide an accurate numbers of representations and a comprehensive summary of responses below. The submitted representations have raised the following concerns:

Support

- A number of those supporting this application state that the project is small in scale and should have little impact on the traffic in the surrounding lanes or on surrounding dwellings.
- This is a fine example of a very detailed well thought out and presented sustainable rural diversification plan
- Educational benefits of teaching forestry and traditional rural skills both to children and adults.
- The proposal will ensure the sustainability of the environment whilst also providing opportunities for rural craft/skills development
- If this project is successful it will create rural jobs and increase the skill base in rural crafts both of which are to be encouraged.
- It is a sustainable and environmentally sound proposal with clear community benefits.
- The project is in line with the objective of the National Park according with Core Policy SD4/WW, any "growth in the Western Weald should, as appropriate, deliver multiple benefits through ecosystem services. These may include supporting services such as biodiversity and provisioning services such as timber".
- The impact to the woodland will be negligible and all structures built will be in keeping with the setting and traditions of rural English life.
- The applicant is managing the land sensitively and will continue to do so. The heathland restoration work is extremely valuable for biodiversity.
- The woodland was in poor condition and needed clearing and management in order for the trees to have some chance of survival. Not only has the woodland been managed but respect and care for the wildlife has been a priority.
- All the woodland management that has been done with the full support of the Forestry commission (under license) and with the approval from Natural England.
- The Ravens Field Archery Club has operated here for many years and this application will enable the sport of Field Archery to continue at Dangstein.
- Improved access for those with disabilities should also be agreed so as to make the site as inclusive as possible.
- The structures have been specifically designed to blend into their surrounds sympathetically and use of local materials

Objections

Application process

- The applicant's ecological report and transport statements are inadequate.
- The application form is considered misleading regarding proposed parking provision.
- The application form states the current use of the land is forestry and recreation, there is no permitted recreational use currently.
- A travel plan is mentioned in the application papers but none has been submitted.
- The application fails to clearly set out the activities which it is proposed to operate on the site.
- The application does not include details on the frequency, number of participants, and area of working and associated facilities in relation to the woodland craft courses.
- Details of woodland clearance activity are not part of the submission.

- the application lacks f a landscape and visual assessment

Conflict with Planning Policies

- The proposal is considered not accord with the Chichester Local Plan.
- The proposal is not small in scale and therefore does not accord with saved Chichester local plan policy T3
- The proposal would impact on the landscape and ecology in conflict with saved Chichester Local Plan policy T4.
- The applicant does not state whether the proposal is seasonal, all year round use would not comply with saved Chichester Local plan policy T6.
- The provision of 6 camping pitches does not comply with saved Chichester Local Plan policy T7.
- The applicant places much weight on the emerging South Downs Local Plan but would fall into conflict with policies of that plan given the unsustainable location and it does not enhance the special qualities of the National Park.

Environmental Harm

- Damage to the environment - with a loss of trees and loss/disturbance of wildlife
- The activities of the applicant to date have caused irreparable damage to this woodland.
- The removal of trees now causes extra water run-off at certain times
- Visitors to the site would need to be managed if the ecological interest of the site is to be protected, this will lead to fencing and signage which would adversely impact on the character of the woodland. The applicant cannot, as he does, say that this proposal will not impact on the landscape or visual scene.

Visual Impact

- The proposals are inappropriate and unsympathetic to the appearance and character of this secluded, rural environment.
- The proposed buildings and infrastructure are too large for this location
- The proposed creation and surfacing of tracks/paths is not justified.

Access Traffic and Parking

- Activities by the applicant have already led to increased traffic on narrow local lanes leading to road damage and noise
- The applicant only has access rights over the private drive for forest management and access to Laundry Cottage not the proposed use and this Ignores restricted covenants. (See Planning Officer comment below)
- If a travel plan is agreed, how is that to be enforced?
- The Transport Statement lacks the necessary rigour for a proposal of this nature.
- The access drive is not of a sufficient standard to safely accommodate existing movements.
- The proposed overflow car park is some distance from the proposed access route and is likely to be accessed from another entrance at Fyning Lane which currently is used in connection with the forestry activities.'

Noise and disturbance

- Activity on the applicants land has led to frequent noise of machinery throughout the day as well as disturbance from the frequent movement of articulated lorries along narrow country lanes.
- The applicant has held all night parties at the site with resultant noise disturbance to local residents.
- The proposed use will give rise to noise and disturbance to the detriment of immediate neighbours.
- Reference is made by some local residents to disturbance from a festival (referred to as a Cosmic Tribe festival) being held at the site in 2015.

- The Class D2 archery use is proposed as a 7 day a week operation with activities extending until 8pm on weekends including bank holidays (the Raven Archers are merely the existing users of the site and not necessarily the only group that may use the site in the future).

Lack of Need

- - Lack of need as there are similar facilities already in existence in the local area (though the comment is unsupported by evidence) .
- There is no clear justification in ecological and land management terms for the recreational and tourism aspects of this proposal.
- The applicant has not demonstrated a business need for this facility as required under saved Chichester Local Plan Policies RE44 and RE17. (See Planning Officer comment below)
- The application states that the target clients are walkers on the Serpent Trail and South Downs Way, however the site is not accessible from public footpaths.

Breaches of planning regulations

- Reference is made to a number of breaches of by the applicant of planning regulations since he acquired land at Dangstein.
- That if planning permission is refused then the Authority should take enforcement action against the unauthorised structures and activities.

Planning Officer Comment:

- 5.3 The above list is not exhaustive of the objections received but does cover those material to the determination of the application. At the time this report was being prepared comments were still being received from the public, with the numbers both in support and objecting already reaching several hundred. An update on representations received will be available for the Committee meeting, including a breakdown of numbers and any new issues raised..
- 5.4 In October 2016 the applicant submitted a statement rebutting points raised by objectors and also has since then submitted a draft Travel Plan, Transport Statement Addendum, additional elevation and floor plan details of the proposed structures and further ecological information. Further consultation with specialists, the parish council and neighbours has

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)**, and the following additional plan(s):
- National Planning Policy Framework
 - South Downs National Park Local Plan - Preferred Options September 2015
 - SDNPA Partnership Management Plan 2014
- 6.2 The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

8. Planning Policy

Relevant Government Planning Policy and Guidance

- 8.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

- 8.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:
- NPPF - Achieving sustainable development
 - NPPF - Supporting a prosperous rural economy
 - NPPF - Conserving and enhancing the natural environment
- 8.3 Consideration should be given to the question as to whether this proposal constitutes “major development” as referred to in paragraph 116 of the NPPF. Para 116 provides that permission should be refused for major developments in the AONB other than in exceptional circumstances where the proposal is in the public interest. In this instance the proposed structures are modest in scale and the impacts of the development are localised, as such it is not considered this proposal constitutes ‘major development’.
- 8.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF. The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application: RE1 - Development in the Rural Area Generally
- TR6 - Highway Safety
 - R2 - Provision of Facilities in Rural Area
 - T1 - Accommodation and Facilities
 - T3 - Provision in Rural Areas
 - T6 - Occupancy Periods for Holiday Accommodation
 - RE8 - Nature Conservation - Non-designated Sites
 - RE12 - Rural Diversification
- 8.5 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28 October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.
- 8.6 The following policies of the South Downs National Park Local Plan - Preferred Options September 2015 are relevant to this application:
- Core Policy SD1: Sustainable Development in the South Downs National Park
 - Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting.
 - Policy 29: Enhance the health and wellbeing of residents and visitors by encouraging

healthy outdoor recreation and relaxation.

- Policy 32: Encourage and support creative and cultural activities which connect with and increase appreciation of the special qualities.
- Strategic Policy SD20: Sustainable Tourism and the Visitor Economy
- Strategic Policy SD21: Recreation
- Strategic Policy SD27: Sustaining the Rural Economy
- Development Management Policy SD37: Trees, Woodland and Hedgerows

Partnership Management Plan

8.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

8.8 The following Policies and Outcomes are of particular relevance:

- General Policy 1
- General Policy 3
- Forestry and Woodland Sector Policy 20
- Forestry and Woodland Sector Policy 21
- Visitor and Tourism Policy 43
- Education and Learning Policy 47

9. Planning Assessment

Principle of Development

9.1 The principle of each element of the proposals must be considered against the relevant saved development plan policies and any other material considerations, as well as the totality of activities considered against key policies and national park purposes. The application site is located in a rural location well outside any settlement where the development plan policy RE1 provides that only certain forms of development which accords with specific policies (including RE12, T3 and T6 which are relevant to the application under consideration) will normally be permitted.

Training/Education

9.2 The woodland craft training and educational aspects of the proposal can be considered to fit with the purposes of the designation of the National Park by providing opportunities for developing an understanding of the special qualities of the area and knowledge of rural skills. However this assessment identifies concerns around the proposals in their totality would not positively contribute to the special qualities of the National Park.

9.3 Saved Chichester local plan Policy RE17 'Community Facilities in Rural Areas' provides for new educational facilities and states that these can be permitted where:

- a suitable site cannot be identified within a settlement policy area,
- the applicant has demonstrated that a local need exists,
- the site is located within or adjacent to smaller rural settlements,
- the proposal is of a size, form and appearance consistent with the character of the site and its surroundings.

Recreational Activity

9.4 This activity is stated as being solely field archery occurring on Sundays in parts of the submission but elsewhere other activities are referred to. The application must therefore be considered in respect of a range of recreational activities which relate to the rural location, including archery and dark sky observation sessions.

9.5 Saved development plan policy RE2 relates to recreational activities in rural areas. Under this policy recreational uses will not be permitted where the nature and level of the activity

will have a serious effect on 'resources and the character of the countryside'. In this instance the proposed use of the site in connection with field archery is a low level use and should not in itself lead to any noise or other disturbance. The activity has not attracted any specific concerns from objectors and in their objection to recreational activities refer to loss of amenity to adjacent and nearby residents, traffic generated and that no assessment of need comparing existing facilities nearby.

- 9.6 It is considered that in principle low key outdoor recreational use of the land such as for field archery is acceptable.

Visitor Accommodation

- 9.7 The proposed camping pitches and overnight shelters will be used in connection with both the educational/training element and by tourists. The accommodation is described as basic with no mains water, electricity or gas, only basic cooking, sleeping facilities and other facilities. It is stated in the application that lighting will be by a limited supply of solar powered LED lights.
- 9.8 The provision of visitor accommodation accords with the objectives of the South Downs Partnership Management Plan. Policy 43 states that appropriate recreation and tourism facilities and visitor hubs, in and around the National Park, including a mix of quality accommodation, will be supported. The SDNPA Visitor Accommodation review undertaken in 2014 showed there was potential for the development of eco camping sites - small, low impact, environmentally-friendly, off-grid sites. The use of the proposed shelters and tent pitches on this site will be an offer which is a mix between the visitor and those attending the various training and activity events. It is considered therefore that the development will make a limited contribution to the tourist accommodation offer in the park.
- 9.9 Turning to the saved Chichester Local Plan policies, these again support in principle the provision of tourist accommodation. Saved Local Plan Policy T1 states that provided the proposed tourist accommodation does not cause demonstrable harm to the local environment and is appropriate to the character of the location as determined under saved policy T2 then in principle it is acceptable.
- 9.10 Saved Policy T3 sets out the criteria against which new tourist accommodation is to be assessed, namely it should be small in scale, not include major built facilities and not have any adverse impacts on the character and appearance of the surrounding landscape. These criteria are considered below.
- 9.11 The Chichester Local Plan also contains a specific policy in respect of camp sites, Policy T7 provides that where more than 5 pitches are proposed (as in this instance) there should be no adverse effect on the character and appearance of the landscape both from the proposal itself and cumulatively when taken together with other existing facilities in the locality.
- 9.12 The saved policies referred to above whilst dating from the plan adopted in 1999 are broadly in line with the much more recent national guidance set out in the NPPF section which relates to 'Supporting a prosperous rural economy.' This states that planning policies for rural areas should:
- 'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'
- 9.13 A key consideration of the application is whether or not it respects the character of the countryside, this is not just a question of a visual assessment but all considerations which create the unique character of a particular rural location, this would include factors such as disturbance through noise, traffic and lighting and loss or adverse impacts on habitats. The particular proposal needs to be assessed in respect of the impacts of the development in terms of the following:
- Landscape Impact

- Ecological Considerations
- Transportation Issues
- Impact on Local Residents and the tranquillity of the area

Landscape Impact

- 9.14 Many of those who have objected refer to the harm that the felling of trees on the site has caused, however that is not the subject of this application and is part of a proposed restoration of heathland following the removal of a commercial crop. The applicant states that this proposal does not require the felling of any trees. The issue under consideration is whether the proposed structures, parking areas and pathways will have a detrimental impact on the landscape of this part of the National Park. The landscape advisor has advised that that the proposed uses are small in scale that there is no adverse landscape impact. They advise that in the event of planning permission being granted there should be conditions imposed relating to the construction and surfacing of pathways and screen planting around car parks. Also consider that a temporary permission could be granted to assess the impacts of the development.
- 9.15 Some of those who object consider the proposed buildings are too large for this location. The built structures are located in the centre of the site, within a woodland location, which is not visible from any public right of way. The structures are of timber construction and the highest, the community shelter, has a cone roof form reaching a height 6.7m. Given the location, scale and external appearance of the structures it is considered they will blend into the landscape and not detract from the visual qualities of the National Park

Ecological Considerations

- 9.16 The application was accompanied by preliminary ecological appraisal and the applicant in their submission emphasises the ecological benefits that their heathland restoration project will bring about. A number of those objecting to this application consider the proposal will have an adverse impact on the ecology of the site and question how the benefits claimed by the applicant can be balanced against the disturbance created by the proposed uses. Objectors also refer to the deficiencies in the submitted ecology report. The Authority's Ecological Advisor also considered that the initially submitted information was inadequate.
- 9.17 Following the receipt of additional ecological information the Ecological Advisor raises no objection to the proposal subject to the imposition of conditions covering the following:
- Submission and approval of a Construction Environment Management Plan
 - Submission and approval of a habitat management plan
 - Lighting
 - Submission of an updated badger survey

Transportation Issues

- 9.18 Impact on Local Roads: Saved Local Plan policy TR6 states that where proposals adversely affect highway safety then planning permission will be refused. Local residents in their objections refer to the level of traffic including HGV's which will be generated by the proposed development using narrow local roads, considering that this will affect highway safety.
- 9.19 The applicant states in the submitted documents that all access associated with the proposed activities the subject of this application will be derived from the Dangstein Road access. The applicant in a rebuttal of comments from objectors states there are no planning restrictions on the use of woodland tracks on the application site. However the applicant states he is prepared to voluntarily agree to an access onto Fynings Lane only being used for woodland management and offers to close the access when not required for that purpose. Such an agreement however would not be enforceable and relies solely on the operator monitoring its use.
- 9.20 Some objectors refer to information within the application that may not be a true reflection of the existing use of the site however it is the proposals which are the subject of this application which are being assessed. The existing lawful use of the land is as commercial forestry plantation, and the sawmill can process timber deriving from onsite felling. Some of

the references to large vehicles entering and leaving the site are in relation to the commercial forestry use. The application under consideration will not give rise to any additional HGV traffic and from the information submitted the levels of additional traffic generated by this proposal will not have road safety implications.

- 9.21 Local resident's comments include reference to the lack of detail in the application, with little detail on how many participants will be involved in the various activities and how long they will stay. Whilst it is noted that the applicant says effort will be made to coordinate activities and manage activities better than, as he accepts, has been the case. It is unclear as to how the various users on the site are to be managed.
- 9.22 The Highway Authority initially suggested a number of conditions be attached to any planning permission but further comments are awaited from that authority following receipt in December of additional information in the form of an addendum to the Transport Statement and a Draft Travel Plan from a consultant acting for the applicant. A response is awaited from the Highway Authority regarding this information which in part seeks to address questions raised by the Highway Authority and in part points made by objectors. This includes consideration of the access arrangements.
- 9.23 On-site Parking: As the site is reliant on private car use due to its rural location, there will be a need for ongoing car parking. The car park, located to the north/east of the site can provide 8 spaces. Two disabled spaces are to be provided closer to the central area of the site and access for wheelchair users will be improved to make the site inclusive for the disabled. There is reference in the application to cars parking at busier times within the timber yard. No details have been provided as to the precise location and layout of this overflow car park area. It is evident from the draft Travel Plan that with the potential for overlapping activities the number of parked cars could regularly reach 30 on Sundays; this is well in excess of the dedicated 10 spaces
- 9.24 There is concern from local residents that the area that it is suggested for overflow car parking is closer to the Fyning Lane access so that will be used rather than the stated access onto Dangstein Road. Some of the objections refer to the access onto Fyning Lane being recently created and no consent being obtained. A check of the sites planning history reveals that CDC granted planning permission in 2010 (see planning history) for the creation of a new access track and surfacing of the existing track to serve the applicants home and to help facilitate woodland management. That consent did not relate to the Fyning Lane access but the application submitted at that time does show on the submitted plan the access onto Fyning Lane, though the access has been widened recently.
- 9.25 The applicant has confirmed that whilst there will an attempt to manage activities overlap will occur. It is unclear from the submitted documents whether this includes parking for staff involved in providing training or supervising educational activities. The draft Travel Plan sets out potential options to be explored to reduce car dependency. The application fails to adequately address the impacts of providing parking and it is not possible to assess the impact of providing onsite parking for at least 30 vehicles to meet the regular weekend requirement will have on the character and features of this woodland area, these impacts could be adverse.
- 9.26 The applicant has stated certain conditions seeking to limit periods and times during which activities take place would unduly restrict the operation of the enterprise. The applicant states he is prepared to voluntarily limit use of access onto Fyning Lane which some objectors consider may occur given the proximity to the 'overflow' parking area. That will be impossible to enforce.
- 9.27 Impact on Local Residents and the tranquillity of the area: Underlying many of the objections received is the impact of the proposals on the tranquillity of this rural location, concerns relating to the noise and disturbance from traffic going to and from the site, on site activities including activities at unsocial hours and light pollution.
- 9.28 Noise and disturbance: The NPPF (Paragraph 123) states that this issue is an important consideration and new development should avoid noise that gives rise to significant adverse impacts on health and quality of life of those who live nearby. It also states that conditions

should be used to 'mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.'

- 9.29 The Environmental Health Officer considers that subject to an appropriate condition limiting noise from activities being barely audible outside the hours 7am to 11 pm weekdays) and 9am to 11pm weekends would address the concerns of neighbours. Local objectors have pointed out that this would allow for unlimited daytime and evening noise up to 11 pm. Officers have suggested to the applicant tighter hours than these namely 8am to 6pm weekdays (9.00 – 5.00 weekends and public holidays). A condition limiting noise is also recommended by the ecologist. The applicant has stated he is agreeable to the tighter hours of being applied to woodland training activities however such a restriction are acceptable in respect of the educational aspects, visitor accommodation or field archery activities. Given the potential hours during which activities could occur and the fact that the means of access from Dangstein Road would bring traffic close to the adjacent property Gardeners Cottage there is potential for disturbance to the occupiers from traffic movement given the sites tranquil location.
- 9.30 The applicant is agreeable to the use of the accommodation overnight by restricted to a season running from April to September and occupation by any such person not exceeding 14 days, this is a restriction often applied to such sites. However he does consider such a restriction could impact on those attending woodland craft training as much of this will occur in winter months and the sessions involve overnight stays.
- 9.31 In a rebuttal of objections the applicant states that the use of the access for traffic associated with recreation, leisure and public assembly has occurred over at least the past 20 years. It is unclear from the statement as to what this is reference to but the applicant does state that he will seek in the future to ensure the impacts are better managed as much as is reasonably possible.
- Light Pollution
- 9.32 The issue of light pollution is raised by a number of objectors as well as the Ecological advisor, however the application states that other than solar powered LED lights, no other lighting is proposed.
- Other Issues
- 9.33 Objectors refer to the various breaches of planning regulations which have occurred in recent years on this site, this application seeks to regularise i.e. the educational activities and field archery, further developing the facilities and providing overnight accommodation. Other unauthorised activities relating to the site including a residential caravan are currently the subject of enforcement investigation. The fact the applicant has breached planning regulations should not influence the decision reached on this application, this must be based on the planning merits assessed against relevant development plan policies and other material considerations.
- 9.34 However despite additional information being provided by the applicant there is a lack of clarity as to the precise nature of the activities, numbers of persons likely to attend the education and training events on offer, frequency of sessions and how the various activities will be managed. It appears that there will be an overlap between the various element of training and education on offer as well as other proposed activities i.e. visitors and field archery. The applicant comments in communication to the authority that *'it may not always be clear how these activities will be scheduled in practice, although we do state a preference to avoid overlapping activities.'*
- 9.35 Whilst elements of the proposal are in principal acceptable the focus in determining the proposal is whether there will be demonstrable harm to the ecology, landscape and tranquillity of the area, including the amenities enjoyed by its residents and if there is then can that harm be mitigated. The manner in which the application has been presented makes it difficult for the decision maker to be clear as to the nature of what activities are to take place on the site. This has also proved an issue for those from whom specialist advice has been sought.

9.36 The Highway Authority have yet to come to a view whilst other advisors seek the imposition of a range of conditions requiring additional information to be submitted or surveys to be undertaken. The number of conditions likely to be required seek to define and limit activities on the site to mitigate harm are an indication that the proposal as it stands is likely to give rise to issues of enforceability, a test when considering whether a condition can be applied. Additionally given the uses include activities falling with defined use classes, namely Class D1 (this includes non-residential education and training) and Class D2 which includes outdoor sport and leisure uses); it is essential to define what is actually being proposed otherwise activities well beyond what has been envisaged could occur without need for further planning consent.

9.37 The proposals individually contribute to delivering national park purposes. However, considering the impact of the proposals as a whole, they cumulatively involve such a diverse range of regular activities on site which cannot be effectively managed through conditions, based on the information provided. As a result, the level of activity would lead to potential harm to the character of the area, its tranquillity and disturbance to residents, particularly those residing adjacent to the site access. Refusal of the application is therefore recommended and consideration should subsequently be given to enforcement action in respect to both the unauthorised structures and uses which have been taking place on the land.

10. Conclusion

10.1 There are aspects of this proposal which align well with and help to deliver both National Park purposes. Nevertheless, it is considered the breadth and level of those activities and the potential harm that cumulatively they could create lead to the conclusion the application should be refused.

11. Reason for Recommendation and Conditions

11.1 It is recommended that the application be refused for the reasons set out below:

1. The proposed uses of the site will cumulatively lead to a level of activity which will be detrimental to the amenities of nearby residential properties and the tranquillity of this rural area through noise and disturbance associated with activities being carried out at unsocial hours and traffic leaving and entering the site. The proposals would therefore be contrary to policies R2 and RE12 of the Chichester Local Plan 1999, national park purposes and the NPPF.
2. The proposed parking provision is inadequate to meet the anticipated requirements as set in information submitted in support of the application, leading to indiscriminate parking causing harm to the visual and other qualities of the site contrary to policies R2 and RE12 Chichester Local Plan 1999, National Park purposes and the NPPF.

12. Crime and Disorder Implication

12.1 It is considered that the proposal does not raise any crime and disorder implications.

13. Human Rights Implications

13.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

14. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

15. Proactive Working

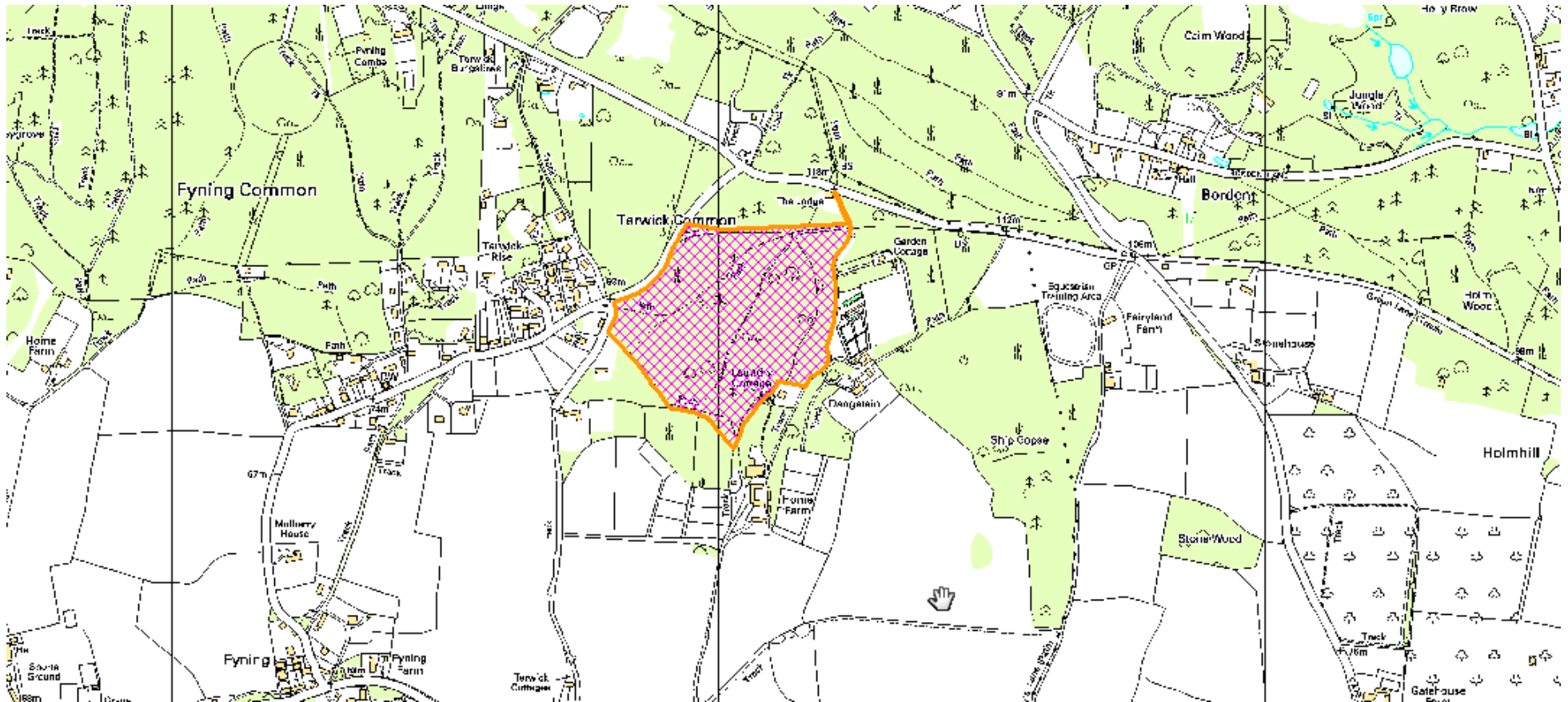
14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-

application advice from the SDNPA Development Management Officer and SDNPA Design Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

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Appendices	I. Site Location Map
SDNPA Consultees	Director of Planning, Legal Services
Background Documents	Planning Application National Planning Policy Framework (2012) SDNP Partnership Management Plan (2013) South Downs Local Plan Preferred Options Chichester District Local Plan (1999) South Downs Integrated Landscape Character Assessment 2005 and 2011

Agenda Item 10 Report PC09/17- Appendix I Site Location Map



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