

Report to	Planning Committee
Date	14 December 2017
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/17/03623/FUL
Applicant	Mr P Cox
Application	The continued use of land for forestry and woodland management and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities.
Address	Dangstein Conservancy, c/o Laundry Cottages, Dangstein Road, Rogate, GU31 5BZ.

Recommendation: That temporary planning permission for 3 years be granted subject to conditions as set out in Paragraph 10.1 of the report.

Executive Summary

This application proposes educational, recreational and tourist uses on the site. The educational uses relate to day and residential courses on activities such as traditional skills like woodland crafts, conservation, and dark night skies. The recreational use relates to regularising the use of the site by a field archery club which has used the site over a number of years. The tourist use relates to the erection of 4 timber shelters to be used as basic accommodation and 4 camping pitches are also proposed. In conjunction with these uses and structures, a new washroom, composting toilet, communal structure, car park, path and passing bay are proposed. Some aspects of the proposals, principally the proposed uses, are retrospective and approval of this application would regularise them. Unlawful structures such as a communal shelter and toilets would be removed in favour of the proposals.

The site has been subject to enforcement investigations over the last c.10 years in regard to the uses/activities which have taken place as well as physical development. The report summarises these and establishes that the lawful use of the site is woodland and that commercial forestry is also a permitted use as a 'baseline' from which to assess the proposals. All of the various activities which have taken place have caused the local community great concern and this is reflected in the representations received, including those which are supported by commissioned professionals to scrutinise the submission on issues of landscape, ecology, noise and traffic.

Members previously considered similar proposals on this site at the February 2017 meeting. The application was refused based on concerns about a lack of clarity about the scale of activity on site, access and parking issues. This application seeks to address those concerns.

The application is recommended for temporary planning permission. Whilst it is considered that the level of proposed activity would not have a significantly harmful impact upon the landscape and surrounding amenities, there is nonetheless some concern about how the activities and management of the site may develop. Furthermore, should the proposals prove unacceptable long term, it would be feasible for the proposed structures to be removed given the nature of their construction.

The application is placed before Members due to the consideration of a previous application at the February 2017 committee meeting and significant third party representations.

1. Site Description

- 1.1 The site is approximately 1.5km north east of Rogate and 1km north of the A272. It is approximately an 11ha site and comprises of late 20th Century woodland, much of which is plantation trees, an area of semi-natural ancient woodland on its eastern side and heathland in approximately the centre of the site. It is on a south facing hillside where the land slopes southwards through the site and it is in an elevated location with some distant views towards Harting Down. The site is not particularly discernible in the landscape from Harting Down. At the southern edge of the site is a dwelling called Laundry Cottages which is occupied by the Applicant.
- 1.2 The site is accessed from the A272 via Fyning Lane and Dangstein Road further north. There are two notable accesses into the site onto Fyning Lane on the western site boundary and another on Dangstein Road further north. The existing access on Dangstein Road is proposed to be used for the application proposals. This is at the north eastern part of the site and has a wide tarmac bell mouth junction with an electronic timber gate. Adjacent to it is a dwelling called The Lodge. The access beyond the gate is tarmac for approximately 45m, at which point it becomes a track leading to a dwelling called Garden Cottage further south and there is a turning into the site for an archery club. The Applicant has a right of access but does not own the access. Immediately within the site is an unsurfaced parking area with portaloos and tents which store equipment.
- 1.3 The site was part of the Dangstein Estate which was previously owned by the National Trust which sold it in individual lots c.10 years ago. Removal and thinning of the woodland has since taken place alongside the management of its understorey and new heathland has been created in the central area of the site where it was previously conifer plantation. Structures exist on site without the benefit of planning permission, such as a composting toilet and communal shelter. The site has also been used for non-forestry activities by a field archery club and for some of the activities proposed in the application. The site is used for some commercial forestry and there is a timber yard in the western part of the site where felled trees are processed. The yard is accessed via Fyning Lane.
- 1.4 South of the site is Home Farm where adjacent fields are used for grazing horses. To the west of Fyning Lane is a hamlet of dwellings at Terwick Common which use Fyning Lane for access, whilst to the east the closest dwellings are Garden Cottage and Dangstein House within 100m of the site. The area immediately around these properties and land further south is a historic parkland. To the north is an area of woodland and another dwelling. There are no public footpaths within the site. The Serpent Trail is approximately 300m to the north and is accessible via other footpaths.

2. Relevant Planning History

- 2.1 This site has been the subject of various enforcement complaints and investigations in relation to alleged unauthorised structures and use of the site. These are outlined in more detail in section 8.
- 2.2 SDNP/16/03499/FUL: 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. Refused 20.02.2017 for the following reasons:

- 1) *It has not been demonstrated that the proposed uses of the site will not cumulatively lead to a level of activity that would 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. This falls contrary to saved policies R2 and RE12 of the Chichester Local Plan 1999.*
 - 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 saved policies R2 and RE12 Chichester Local Plan 1999.*
 - 3) *It has not been demonstrated that safe and sustainable access can be achieved in accordance with the requirements of paragraph 32 of the National Planning Policy Framework and the proposal falls contrary to saved policy TR6 of the Chichester Local Plan 1999.*
- 2.3 15/01652/APNB: No.3 open sided timber framed structures. Prior Approval not required 16.06.2015. (Note – the structures relate to the timber yard and forestry activities.)
- 2.4 15/01650/APNR: Surface part of an existing internal woodland access track and vehicle turning area. Prior Approval not required. 10 June 2015.
- 2.5 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 27.01.2011. Appeal dismissed 21 July 2011.
- 2.6 10/04645/FUL: Creation of new access track and surfacing of existing track to serve dwelling and woodland. Approved 21 January 2011.

3. Proposal

- 3.1 The application proposes the site to be used for recreation, educational and tourist activities, in conjunction with its continued use as woodland and its management which includes a commercial forestry enterprise. New timber structures, a car park and paths are also proposed which would be used for the proposed activities.

The proposed uses

- 3.2 The activities are described below and table no.1 in **Appendix 2** outlines the proposed maximum proposed frequency of these activities, numbers of people attending an activity or booking the on-site accommodation and vehicle numbers. Apart from the recreation, activities would be pre-booked by either individuals or groups and the site would not be open to the public for speculative visits. Some activities included within the application have already been taking place on the site and this application seeks to regularise them.

Recreation

- 3.3 The application includes the regularising of the existing activities on site of The Ravens Field Archery Club. The Club would use the site at weekends, with a maximum number of 32 participants between 9am-6pm, as a practice course for their participation in national competitions. 'Taster days' for people interested in the sport also occur..

Education (referred to as life-long learning in **Appendix 2**)

- 3.4 These would take place either as day or residential courses and evening activities at any time during the year. Courses would include learning about woodland management, conservation, nature studies, woodcraft, bushcraft, artwork, charcoal making and forest schooling.
- 3.5 The one day activities would take place for up to 4 weekdays per week between 7am-6pm. Up to 8 residential courses a year would operate at similar times over 2-4 days during weekdays and weekends.
- 3.6 Up to 4 evening events per year are proposed which would cover dark skies astronomy and cultural themed activities such as folklore storytelling. These would take place between 7pm and 11pm.

Tourism

- 3.7 4 timber shelters and 4 camping pitches are proposed on site, as described below. These facilities would be open year round and provide a 'wild camping' experience. Bookings would not be possible when the residential courses are held unless they were for people attending the courses.
- 3.8 In addition, a one-off annual event for the Dangstein Conservancy and community outreach event is proposed over an unspecified long weekend. This would involve exhibitors attending to showcase skills and activities related to the proposed courses. Over that weekend all other activities would not take place.

Forestry and woodland management activities

- 3.9 The existing timber yard would remain on site and the forestry activities would continue. This activity does not in itself require permission but it has been included in the application. The wood is used for various structures and buildings off site such as bus shelters or ancillary buildings but the manufacture of timber products would not be undertaken on site.
- 3.10 Up to 4 woodland workers would typically be on site during weekdays between 7am – 6pm. There would also be other ad hoc visits from a mechanic to repair forestry equipment for example. Up to 12 conservation workers in up to 4 vehicles would be on site on up to 4 occasions per year between 7am – 6pm. This could include SDNPA Rangers and volunteers working on the heathland. Periodic local conservation volunteers would also be welcomed on site for approximately 6 occasions per year e.g. a Scout troop. These visits would be agreed at times when no courses or tourist bookings have been arranged.

The proposed car park

- 3.11 A new 24 space car park is proposed to be sited further west of the existing car park, in a more central location and closer to the area of the proposed structures and camp site. It would be accessed via the existing track from the site entrance (at Dangstein Road) which leads to the timber yard and Laundry Cottages. It would have a rectangular shape and be constructed by clearing the existing ground and new surfacing. The spaces would not be formally laid out. Its construction would involve the felling of a number of larch and conifer trees but it would be sited in a reasonably open area which has been used for charcoal burning.

The proposed structures and camping pitches

- 3.12 A group of structures are proposed predominantly around the edges of the heathland area approximately within the centre of the site. These comprise of a community shelter, washroom and composting toilet at the northern edge, 3 overnight shelters along the eastern edge and a 4th shelter on the western edge. The camping pitches are proposed at the southern edge.
- 3.13 All new structures would be built out of timber from the site. They would be erected on minimal foundations akin to their low impact nature. The community shelter would have a circular shape with earth (cob/straw) and timber clad walls, and a 6.7m high timber framed conical shaped roof with timber shingles. A veranda is proposed around the building which would have a green roof. It would comprise of a central meeting space, a secondary room, a kitchen, stores and a cycle rack.
- 3.14 The wash room and composting toilet would be joined together by a raised walkway. Both would be 4m x 4.8m and 5.3m high. They would be timber framed and the roof and walls would be clad with timber.
- 3.15 The overnight shelters would be identical. They would measure 5.5m x 4m (excluding the porch) and be 4.4m high. They would be of a simple timber framed design with walls and a pitched roof clad with timber. They would have a timber framed porch with a corrugated metal roof. They would not have any running water, electricity or gas but would include a wood burning cooker. Rain water would also be captured for use and there would be some low level solar powered lighting installed inside.

- 3.16 The camping pitches would be in a designated area which would be kept as natural as possible.

Access arrangements

- 3.17 Visitors would use the access on Dangstein Road, whilst the forestry activities would continue to use the access on Fyning Lane. The existing car park is proposed to be reduced in size and become a passing bay on the existing track. Visitors would use the proposed car park whilst workers would primarily park at the timber yard.
- 3.18 A new wheelchair accessible path is proposed between the new car park to the community shelter, washing and toilet facilities and 3 of the overnight shelters. This would be a c.1m wide path laid with crushed stone.

4. Consultations

- 4.1 **Arboriculture:** No comments, Members will be updated.

- 4.2 **Dark Night Skies:** No objection, subject to condition.

- No use of external lights proposed and no objection on this issue.
- Although internal lighting is above 500 lumens, recommend it is installed sensitively.
- Given the darkness of the area recommend condition that no external lighting be installed without permission.

- 4.3 **Design officer:** No objection.

- 4.4 **Ecology:** No objection, subject to conditions.

- 4.5 **Environment Agency:** No comments.

- 4.6 **Environmental Health:** No objection, subject to condition.

- No comments regarding contaminated land issues.
- All waste generated by additional proposed uses must be disposed of appropriately.
- Compost toilets should be installed in accordance with Environment Agency advice.
- Covered cycling facilities should be encouraged.
- Require a condition limiting noise levels.

- 4.7 **Highways:** No objection, subject to conditions.

- Unlikely that the estimated level of traffic would have a severe impact on the local road network.
- Acknowledge that the use of Fyning Lane gate is required for woodland management.
- Roads west of the site access on Dangstein Road are generally wider and better aligned than those to the east of the site. Suggest the applicant advises visitors to only approach from roads other than Fyning Lane to help reduce local impact and ensure users only use roads where two facing vehicles can pass. Recommend a condition if enforceable.
- Details on visibility splays provided and recommend these are conditioned.
- Recommend restricting public access to the Dangstein Road access.
- Given local concerns about traffic and the Applicant's aims, recommend a detailed Travel Plan to be provided by condition.

- 4.8 **Landscape:** No objection, subject to conditions.

- Activities are considered to be low impact in landscape and visual terms.
- Activities support a number of different desired outcomes to National Park Purposes.
- Sensitive areas of historic landscape exist, there is semi-natural woodland on site and to the east is a historic parkland of local importance.
- Activities are set away from the most sensitive parts of the site.
- Given low intensity of the activities and built form, no significant concerns in relation to landscape or visual impact.

- Landscape and visual impacts (positive and negative) are likely to result through the site's long term management. Therefore, a Landscape and Ecological Management Plan is required.

4.9 **Natural England:** Comments. Local Planning Authority should determine whether or not this application is consistent with national and local policies on the natural environment. Refer to standing advice.

4.10 **Rogate Parish Council:** Objection.

- Level of activity is detrimental to the residential amenity of the area and tranquillity of the rural area; not in keeping with the aims of the SDNP.
- Contrary to the stated aims of the draft Rogate and Rake Neighbourhood Plan
- Misinformation supplied in regard to (1) the size of the site (23 acres not 30); (2) archery ceased for at least 2 years between 2006-2008 and so the site has not been continuously used as a recreational purpose for as long as stated.
- Applicant has not demonstrated the need for the proposed activities.
- Already similar opportunities available not far away in much less sensitive areas.
- Many questions raised in the previous application have not been answered.
- Approximately 40 houses are close to the boundary of the site and residents have complained of frequent excessive noise from woodworking machinery, occasional music until early morning and excessive parking impeding accesses to other properties.
- Residents are very concerned by the lack of compliance and enforcement of previous decisions.
- Parish Council has not received one letter of support and many objections, which shows the strength of local feeling.

4.11 **Tourism:** Support.

- Strong eco-tourism element as the project is 'off grid.'
- Tourism will support the work of forestry management, conservation and education.
- Tourism experience appears to offer an opportunity for learning about the environment, with hands on courses.
- Offer for young persons' learning which is underrepresented and encourages youth engagement with the National Park.
- Proposals offer tourism experience and a nature based environment for a woodland accommodation experience.
- Site near to the Serpent Trail.
- Encourage the use of local suppliers for any services and local shops and public houses and recommend ways for visitors to use their cars less.
- Visitor Accommodation Review (2014) indicates a shortfall in all types of accommodation.
- Meets the relevant objectives of the SDNP Tourism Strategy.

5. Representations

5.1 57 third-party objections and 27 representations in support have been received. They raise the following issues:

Objections

Lack of information in regard to:

- How the various proposed features sit within the existing context including trees/woodlands/clearings, and how visible these will be.
- Trees or other vegetation proposed to be removed or any replanting proposals.
- Layout, surfacing, levels of the proposed car park, vehicle passing bay.
- Design of the buildings/structures in terms of dimensions and appearance.
- Existing and proposed levels/gradients for the wheelchair accessible path.
- Arboricultural Survey and Impact Assessment.
- Woodland Management Plan.

- Landscape Visual Impact assessment.
- Marketing research on targeted customer base for the tourist accommodation and how many Serpent Way walkers might use the campsite.
- A business plan, which raises doubt in regard to long term viability of the proposed use.
- Assessment of need, taking into account existing and comparable facilities nearby.
- Not addressed the previous reasons for refusal.
- No red line is included in the Application to indicate how the road network will be accessed.
- The site comprises 24 acres of woodland, not 30 as stated.
- The application does not make clear the base planning status i.e. 'woodland'.
- Permission exists for forestry activities but not the leisure use or accesses.
- A break in the use for field archery in 2008-2009 means there is no established use for recreation.
- Covenants preventing the land from being used for commercial purposes.
- Not supported by an approved Forestry Commission Woodland Management Plan.
- No clarity or accuracy in the application.
- Flawed application.

Proposed Uses

- The application is presented as a green, sustainable scheme however will destroy the woodland, generate traffic, cause light and noise pollution, and overall disturbance to the peace and tranquillity of the woodland.
- Forestry management does not require the importation, processing and exportation of timber; this is a commercial venture which is exploiting the woodland not managing it
- Commercial use of the forestry buildings not included in the application.
- The proposed commercial activities and existing development are not necessary for the management or conservation of the woodland.
- Other local woodlands are managed responsibly and productively without impact on the surrounding local community and their quiet enjoyment of the National Park.
- The existing 'woodland management' activities on the site are larger and noisier than a wood of this size could reasonably support.
- There is no local support for the Dangstein Conservancy and the project is not community-led as claimed.
- Benefits the Applicant/Dangstein Conservancy who use the site's commercial facilities, to the detriment of neighbouring properties and local community.
- Encourages 'tourism' but to the detriment of the neighbouring community, which receives no benefit.
- The campsite would create a permanent presence and further expansion would be impossible to control.
- The proposed developments are not supported by SDNP planning policies, including the South Downs Pre-submission Local Plan.
- Will set a precedent for further inappropriate development on this site and others.
- Controls and constraints on activity via conditions are unenforceable.
- Application places reliance on responsible stewardship but permission lies with the land.

Landscape and ecology

- Contradicts the purposes of the National Park.
- The Rogate Neighbourhood Plan seeks to protect and maintain woodland, wildlife habitat and species, and opposes change of use or creeping change of use of woodland.
- Existing unauthorised development fails to conserve and enhance the ancient woodland.
- The woodland has become an intensively worked environment where multiple unauthorised activities take place on a regular basis, which has negatively impacted the character of the peaceful ancient woodland.
- Heathland connectivity with Iping Common is not possible due to distance and A272.
- The amount of proposed development and site activity will destroy the tranquillity of the area the National Park landscape.

- Will generate high levels of human activity and destroy the area's tranquillity.
- Will result in loss of ancient woodland and wildlife habitat to the detriment of species.
- The camping activities will negatively impact on rare plants and fauna.

Amenities

- Will affect the peaceful enjoyment of the ancient woodland.
- Activities have already led to noise and disturbance and impact on surrounding dwellings and proposals will exacerbate this.
- Will cause a 'contextual change' changing a tranquil area into a commercialised zone.
- Will result in significant loss of privacy for neighbouring dwellings and gardens, and impact visual amenity.

Traffic and access

- Poor site access and unauthorised accesses.
- Terwick Common is directly affected by the unlawful accesses on to Fyning Lane and Terwick Lane, a bridleway, is used by local stables.
- The car park and access routes and commercial use do not form part of this retrospective planning application.
- The block plan indicates a new track running through the ancient woodland but not mentioned in the application.
- Access from the highway is a private driveway but this is not part of the application and is restricted by a planning condition.
- The access roads including Dangstein Road and Fyning Lane are C-class, single-track roads in poor condition with no pavement and passing places.
- Surface water flooding on Fyning Lane caused by activities on site.
- The existing vehicular access on Fyning Lane is not authorised.
- The Fyning Lane access has not been narrowed, and the unauthorised hardcore surface has not been removed, as required by the Local Planning Authority.
- Activity has already led to frequent movement of articulated lorries along narrow country lanes.
- Land outside of the Applicant's ownership has been eroded at the Fyning Lane access by lorries entering and leaving.
- The increase in traffic would negatively impact residents, walkers, horse riders and cyclists.
- The proposed creation and surfacing of tracks/paths has not been justified.
- Unacceptable level of unauthorised parking taking place.
- Inadequate car park provision.
- The Travel Plan is not based on evidence and cannot be enforced.
- Not sustainable as it is not adjacent to a settlement and no transport links.

Support

- The proposal is for low environmental-impact access to nature and sustainable forestry.
- The land is managed in a sensitive and sustainable way for the benefit of nature and the wider community.
- The proposal ensures that the woodland is conserved and creates local employment by keeping up traditional woodland skills that are part of our heritage.
- Many privately owned woodlands do not allow access to the general public.
- The application seeks to make the National Park accessible to all.
- The proposal creates opportunities for people to discover, enjoy and value woodlands, learn new skills and support sustainable rural enterprises.
- This project may inspire others to value woodlands for the many benefits they bring to a sustainable society.
- The use of land for forestry recreation provides opportunities for health & well-being for adults and children through connection with the natural environment.
- Many small woodlands in the National Park are neglected and undervalued.

- The land area concerned is large and thickly wooded and disturbance to other residents is negligible.
- The proposal is of benefit to the local community.
- The woodland is a beautiful location which benefits from the archery club and local residents having access.
- The courses teach others the importance of conservation and the preservation of natural habitats, and are an example of good practice and long-term vision.
- The site is ideal for access due to flat topography, connecting paths and track ways.
- Providing accommodation on site will reduce traffic.
- The archers have used the site without complaint for many years under previous ownership with only a small break as the property was split up/sold.
- The archery club only meets on Sundays and any noise or inconvenience is minor.
- The small number of people staying onsite with no electricity (noise / light pollution) surrounded by trees should cause little disruption to the enjoyment of adjoining properties.

5.2 **South Downs Society: Objection.**

- Location and access of the site, scale and nature of the works proposed amount to damage and destruction, which should be resisted.
- Scale and nature have an unacceptable impact on the landscape character, ecology and tranquillity of the site and this part of the National Park.
- Site includes ancient woodland which makes the damage particularly unacceptable.
- Access via quiet rural lanes by visitors to the site will be in conflict with the draft policies on quiet lanes in the SDNP draft Local Plan.
- No evidence of a sustainable business plan nor justification for the use of this location, rather than a less sensitive site outside of the National Park.

6. **Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the saved policies of the Chichester District Local Plan First Review 1999. The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 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 upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 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.

Major Development

- 6.4 Paragraph 116 of the NPPF outlines that planning permission should be refused for major developments in designated areas (including national parks) except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations and the impact of permitting or refusing it, upon the local economy;
- The cost of, and scope for, development outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

6.5 Paragraph **8.35** below consider whether the development is major development for the purposes of paragraph 116 of the NPPF.

Relationship of the Development Plan to the NPPF and Circular 2010

6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2014-2019

6.7 The South Downs National Park Partnership Management Plan 2014-2019 is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. The following policies are relevant:

- 1: conserve and enhance natural beauty and special qualities of the landscape
- 3: Protect and enhance tranquillity and dark night skies.
- 20: Raise awareness of woodland management
- 21: Support woodland owners to provide diverse activities
- 29: Enhance the health and wellbeing of residents and visitors
- 30: Develop access for all opportunities
- 31: Raise awareness and understanding about the National Park
- 32: Encourage and support creative and cultural activities
- 43: Support the development and maintenance of appropriate recreation and tourism facilities.
- 47: Education (rural skills)
- 55: Promote opportunities for diversified economic activity.

7. Planning Policy

7.1 The following saved policies of the Chichester District Local Plan First Review 1999 are relevant:

- R2: Provision of Facilities in the Rural Area
- RE1: Development in the Rural Area Generally
- RE8: Nature Conservation – Non-designated Sites
- RE12: Rural Diversification
- BE11: New Development
- BE14: Wildlife habitat, trees, hedges and other landscape features
- T1: Accommodation and Facilities
- T3: Provision in Rural Areas
- T6: Occupancy Periods for Holiday Accommodation
- T7: Touring Caravans and Tented Camping
- TR6: Highway Safety
- TR8: Catering for Cyclists and Pedestrians

The draft South Downs National Park Local Plan

7.2 The South Downs Local Plan: Pre-Submission version was published for public consultation on 26 September 2017 for 8 weeks up to 21 November. After this period, the next stage in the Plan's preparation will be the submission of the Local Plan for independent examination. And thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the

current stage of preparation and that the policies are considered to be compliant with the NPPF the Pre-submission Local Plan it is currently afforded some weight.

- 7.3 The relevant planning policies of the Pre-submission Local Plan are: SD1, SD2, SD4, SD5, SD7, SD8, SD9, SD11, SD19, SD22, SD23, SD34, SD40, SD34, SD50.

The Rogate & Rake Neighbourhood Development Plan (2017-2035)

- 7.4 A second draft of a Pre-Submission Neighbourhood Plan underwent public consultation between June to August 2017. The draft Plan has not yet been submitted for an examination in public. Until it is adopted and becomes part of the adopted Development Plan, paragraph 216 of the NPPF confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, the Pre-Submission Neighbourhood Plan is currently afforded some limited weight. The following policies are relevant:

- NE1: Conserve, Protect and Enhance the Natural Environment
- BE1: Locally Distinctive Design within the Parish
- EW1: Supporting the Rural Economy
- T1: Encouraging Sustainable Travel
- T2: Parking

8. Planning Assessment

Principle

- 8.1 The application has been assessed with regard to the previous reasons for refusal (see paragraph 2.2) and the merits of the application. Also, since the previous decision the SDNP Pre-Submission draft Local Plan has been published for consultation, which should be afforded some limited weight. The draft Neighbourhood Plan has also developed however this should be afforded limited weight.
- 8.2 In regard to policies in the 1999 Local Plan, policy RE1 stipulates that development in the rural area should be limited to various uses which include tourism. Similarly, policy RE12 supports rural diversification. Saved policy T1 permits tourist accommodation and facilities provided they are of an acceptable form and environmental impact, taking into consideration their location. Additionally, policy T3 permits tourist accommodation if it is small in scale and does not have an adverse impact upon the countryside. Similarly, policy T7 permits new campsites of up to 5 pitches and do not conflict with the policies which seek to protect the rural environment.
- 8.3 Turning to the recreational use of the site, policy R2 only permits these in the rural area where they are a type and level of provision which would not have a serious effect on the resources and character of the countryside. The proposed education facilities arguably do not fit as 'neatly' with adopted policy insofar as reference to new educational facilities are permitted under policy RE17 which is a policy focussed on providing a range of community facilities in the rural area. Whilst the proposed educational activities may arguably be seen as a community facility insofar as it offers the Dangstein Conservancy (a loose knit community of people) and would be open to others booking courses etc these are nonetheless a private enterprise as well.
- 8.4 Adopted policy is dated but policies are broadly in line with the NPPF. The NPPF's more up to date policy encourages a prosperous rural economy through encouraging all types of rural business and enterprise but, when read as a whole, any proposals must be judged against environmental considerations including giving great weight to conserving landscape and scenic beauty. Adopted policy should also be considered in light of the Partnership Management Plan and National Park Purposes as material considerations which are also more up to date considerations compared to the 1999 Local Plan.
- 8.5 In regard to the SDNP draft Local Plan, its policies outline many considerations for proposals which resonate with those in the NPPF and, importantly, closely align and further National Park Purposes and objectives in the Partnership Management Plan. In these

regards, in principle low key uses in forestry for activities related to the management of the land and the understanding and learning opportunities it provides are supported.

- 8.6 In regard to the draft Neighbourhood Plan, policy NE1 outlines that development is expected to conserve and, wherever possible, enhance the natural environment including tranquillity in particular. The Neighbourhood Plan currently has limited weight.

Current planning position on the site

- 8.7 Over the last 10 years the site has undergone change from what was arguably once a fairly benign woodland to more activity on site including more active forestry management, commercial forestry, non-forestry related activities, new heathland being created, and new structures.
- 8.8 It is important to outline the current status of the various uses/activities and physical development which have taken place on site by highlighting the enforcement complaints and investigations since 2010 in response to these. This is in order to understand the context of the proposals and establish a 'baseline' of what is lawful development from which to assess the application, alongside the planning history outlined in section 2. Table no.1 below outlines a summary of the enforcement investigations in relation to the activities and development.

Development	Status	Included in the proposals	Comments
Composting toilet	Unauthorised	Yes.	Included insofar as it would be removed if the application is approved.
Communal shelter & oven	Unauthorised	Yes	Included insofar as these would be removed if the application is approved.
Creation of existing car park area	May be lawful due to continued use and the passage of time.	Yes	Considered not expedient to pursue an application (either for a lawful development certificate or planning permission) to retain the car park, but it is now proposed to be replaced by application proposals with a passing bay.
Use of the site for field archery	May be lawful due to continued use and the passage of time.	Yes	Considered it was not expedient to pursue in light of the information in regard to the use of the site for archery. Local concerns have been raised in regard to the continual use of the site to be able to justify it is an established use. This use is however included in the application.
Archery club portaloos and storage of equipment	May be lawful due to continued use and the passage of time.	Yes	They would be removed through this application, as new storage would be made available in the new community shelter and a

			new shared compost toilet is proposed.
Camping by scouts and wooden hut built by scouts	Unauthorised	Not mentioned in the application.	Could take place for up to 28 days under permitted development rights. Wooden hut unauthorised.
Timber yard structures (see paragraph 2.3)	Permitted development	No	Prior Approval not required.
Use of the site for forestry and woodland management	Lawful use	Yes	This is the long established lawful use of the site.
Use of the site for non forestry activities	Unauthorised	Yes	Application seeks to regularise the use of the site for courses and events. However they could be held on site for a limited time, if within 28 days under permitted development rights.
Residential mobile home on site	Unauthorised	No	Removed from the site May 2017.
Use of the Dangstein Road access in contravention to planning permission in paragraph 2.7.	Authorised	Yes	Planning permission granted consent for a new track into the site from the Dangstein Road access was subject to condition 4, which stipulates the track shall be limited to residential access to Laundry Cottages and forestry management purposes, in the interests of residential amenities. The application now proposes this access is used by visitors.
Creation of a wider Fyning Lane access with new surfacing.	Authorised use	Yes	Use for the track for forestry purposes is permitted development. This access is included in the application insofar as it would be retained for forestry purposes only.
Use of Fyning Lane access by non-forestry vehicles	Investigated, no further action.	No	Specific enforcement complaint.

Display of adverts	Authorised	No	Deemed consent, signage falls within Advertisement Regulations.
Manufacture of wood products and importation of wood.	Currently undetermined.	No	A Planning Contravention Notice revealed some timber products were being constructed on site, but these alleged to be for testing workmanship and training; ancillary to the use of the timber yard for cutting felled trees. Will need to be reviewed in the future.
Footnote: Should planning permission be refused, the expediency of enforcement action will be considered further, having regard to uses of the site, operational development, any immunity from the passage of time, and whether any enforcement notices should be issued.			

Table I. Enforcement History

- 8.9 Having regard to table no.1 and the planning history, it is considered that the site's lawful use is woodland management and commercial forestry. The creation of heathland and conservation activities to restore it, including grazing animals, are also considered not to be development. Table I highlights that the existing composting toilet and communal shelter are unauthorised, but structures within the timber yard are considered to be permitted development. The timber yard itself is also considered to be lawful by virtue of it being used for processing timber felled on site.
- 8.10 The activities of the archery club and their equipment stored on site may be lawful through the passage of time, however, no formal decision has been made through any application for a Certificate of Lawful Use. Local residents have raised concerns that the Club's use of the site is not established due to periods of inactivity. Approving the application would regularise this use, albeit temporarily. The use of the site for the courses and camping proposed would only be permitted through the '28 day rule' in regard to the temporary use of land within any year unless planning permission is granted.
- 8.11 The tracks within the site and the accesses onto Fyning Lane are also considered to be lawful given they have been used for forestry purposes. In regard to the use of the Dangstein access, this is permitted to be used for access to Laundry Cottages and for forestry purposes only. Whilst its use is limited, the proposals involve it being used for visitors and in the event planning permission is granted the earlier permission with that condition attached would be superseded.
- 8.12 Whilst the Applicant has breached planning regulations and activities on site have been subject to enforcement investigations, this should not influence the decision on this application. It must be based on the planning merits when assessed against relevant Development Plan policies and other material considerations.

The previous reasons for refusal

- 8.13 The revised application has been submitted in response to the 3 previous reasons for refusal (see paragraph 2.2). Members' concerns focussed on a lack of clarity about the scale of activity on site, which needed to be managed appropriately, access and parking issues. Concerns were not raised about the physical development on site and 2 less shelters and a smaller campsite have now been proposed. There is however a notable change with a new car park and path now proposed which are considered further below.

Reason for refusal no.1

- 8.14 The schedule in **Appendix 2** clarifies the proposed activities on site, their frequency, duration and scale in terms of the number of people and parking demands. This information has been presented as the proposed maximum limits of each use and that the level of activity could vary to a lesser extent, depending on the time of year for instance. The application has been assessed based on these maximums being reached each year and how each activity/use would be managed and consideration of any impacts.
- 8.15 Individually, the proposed uses are of a low key nature however the main consideration is the cumulative impact they may cause to the National Park landscape and surrounding residential amenities particularly in regard to tranquillity and noise and disturbance and traffic. The proposals are a change of use for the site from a woodland management scheme to providing the various activities within and woodland and heathland setting. The commercial activities are not something that can necessarily be controlled through the planning system given it is the historic lawful use of the site (unless it breaches any conditions) and so the focus should be on how the proposed activities on site accord with planning policy and national park purposes.
- 8.16 Aside from the commercial forestry activities, which are a legitimate rural activity, the most prolific use on site would be the single day courses. These are anticipated to run up to 4 days a week with up to 16 participants excluding staff. It is reasonable to assume there would be some car sharing and in regard to school activities mini-buses may also be used. However, if individuals arrived by car the vehicle movements over the course of a day would not be significant. This activity would not overlap with the weekend use of the site by the archery club.
- 8.17 Eight residential courses lasting up to 4 days would be held annually. There is potential for these to overlap with the day courses if they are held partly during the week, but any overlap could be minimal with only 8 courses being run. There is also the potential for a day course to be subsumed into a residential course whereby students visiting for a day and those staying on site could mix, albeit the numbers of visitors during those 2-4 days are proposed to be limited to 12 people. The proposed accommodation would be used for the residential courses, which would avoid any overlap with it being booked by tourists which helps to control the numbers of people on site. The archery may still take place during these courses as well.
- 8.18 The 4 evening seasonal events would take place after any day activities have finished and on 4 occasions per year, which limits any overlap. These would be larger events in terms of the number of people over a shorter period of time but during less social hours (7pm-11pm). These evening activities would however be reasonably low key given the nature of activities. During these times the tourist accommodation may also be occupied by other visitors.
- 8.19 A time period for a one off annual event has not been specified but it has been outlined that all other activities would be suspended for this occasion. Concern has been raised by local residents about the disturbance of past events, including indiscriminate parking. It has been stated in the application that the proposed parking area on site would be reserved for exhibitors and event stewards and that off road visitor parking will be made in the vicinity. However, no further information has been provided. Whilst this would only take place once a year, officers are concerned about the local amenities during that time. Conditions 11 and 12 require a site management plan to cover further detail about how the site overall would be run including such events and parking arrangements and imposes limits any amplified sound beyond 11pm to help to alleviate noise and disturbance.
- 8.20 Concern has been raised about the scale of activities compared to the size of the site. The cumulative impact and intensity of all the activities need to be considered in regard to potential impacts upon the landscape and surrounding residential amenities as well as other environmental impacts such as ecology.
- 8.21 A quality of the local landscape is its tranquillity, which is recognised in the South Downs Integrated Landscape Character Assessment as well as an objector's consultants who specialise in noise and landscape considerations. This can heighten the sensitivity of any noise disturbance which can impact upon the character of the area, wildlife, and the amenities of

- surrounding properties, both from noisier day time forestry activities to one off events carrying on into the early hours of the morning.
- 8.22 The communal shelter and accommodation are the most likely areas where people would gather. This is within the centre of the site a good distance from surrounding properties. The courses would likely entail people moving around the site depending on the type of course, but the activities in themselves are reasonably low key.
- 8.23 The schedule in **Appendix 2** highlights the predominant activities during the week to be a high number of day courses and use of the tourist accommodation, but otherwise the potential for activities to overlap overall is reasonably limited. Increased activity on site from overlapping activities could also become less of an issue depending on the season and weather and visitors attending a course may also book accommodation at the same time, which would reduce the number of people on site. The use of the site by the archery club is also a low key recreational pursuit. This is affirmed in a third party noise assessment submitted which highlights that the archery does not cause a significant impact on background noise and that it could be considered a non-disruptive activity, but nonetheless mitigation measures should be employed.
- 8.24 The schedule (**Appendix 2**) presents a 'worst case scenario' in the level of activity on site, which does show its consistent use regardless of any overlap. That said, it would not be unreasonable to assume there would be differing levels of activity throughout the year. The activities involve hand skills, crafting timber manually and talking and listening activities rather than industrial processes machinery or equipment. Archery is also inherently tranquil and non-disruptive. Activities complement the existing woodland management and conservation activities practiced on the site, predominantly entailing daytime only nature based learning activities. These activities would not generate excessive noise.
- 8.25 The landscape character of the site has however changed through the activities of the site, in some ways for better and in some ways for worse. This is a matter of judgement but it is considered that conditions could suitably control the level of activity and provide further comfort via a Management Plan and Travel Plan for the site. A temporary planning permission is however recommended so as at a later date the Authority can determine whether the proposed conditions have been successful.
- 8.26 Concerns have also been raised about the level of traffic and the impact this would have on the character of the rural lanes and amenities. The Schedule in **Appendix 2** outlines the anticipated vehicle movements for each activity. Visitors would only coming to the site if they have pre-booked. A Transport Statement has also been submitted which provides a more detailed assessment. The Highways Authority have not disputed this assessment. In light of the considerations in paragraph 8.15, the vehicle movements would not arguably be so significant on balance to warrant a reason for refusal in regard to the impact upon the character of the area.
- 8.27 The Highways Authority have however recommended a condition to try and manage the way people arrive and leave the site, to minimise traffic on Fyning Lane, particularly as many dwellings are also accessed via the lane as well. This would be a benefit to surrounding neighbours and would direct vehicles onto more appropriate roads. Officers have recommended condition 16 which seeks to direct traffic away from the Fyning Lane and it is considered that measures could also be incorporated into a Travel Plan which is a requirement in condition 19, both of which would need to be adhered to, and typically features in other Travel Plans.
- 8.28 Visitors to the site may also be on foot or cycling. The site is near to the Serpents Trail and there is a good public right of way network in the wider area which would allow walkers or cyclists to visit and Petersfield and Liss stations may not be an unacceptable distance away for these visitors. There is also a bus service between Petersfield and Midhurst which could be used but this is limited.
- 8.29 An adjoining neighbour and owner of the site access has raised concern about the use of the Dangstein access for all visitors, at the varying times including weekends and late at night, and the impact upon the amenities of The Lodge and Garden Cottage. Whilst the level of

traffic overall is not considered to be significant in regard to the character of the area, there would be a notable increase in traffic using the access compared to the current situation. The maximum use of the site outlined in the Schedule (**Appendix 2**) suggests a continual use of the site, however, as outlined above this could vary to lesser extents. The majority of events would finish by 6pm and evening events would take place only 4 times a year up to 11pm when people would be leaving by 11pm. The vehicle movements at night would be more of an issue for The Lodge given it is adjacent to the access.

- 8.30 This is also raised in the noise assessment commissioned by a neighbour, which outlines that people will likely be leaving after 11pm will be harmful to neighbours and that some form of management should be employed to mitigate this. Environmental Health officers have considered the application and haven't raised this as an issue. Notwithstanding, whilst it would be for a limited number of occasions throughout the year managing noise could be considered in condition 12 which relates to a Site Management Plan. There could be some conflict with visitors arriving/leaving the site at the same time as neighbours leave or return to their properties during the mornings and early evenings. On balance, however, given the level of activity envisaged the use of the access would be acceptable. Concern has been raised regarding a restrictive covenant relating to the use of the access, however, this is a private matter.
- 8.31 Aspects like an annual event could take place within the 28 day rule whereby these would largely be uncontrolled, except in cases where an event goes on until the early hours of the morning causing excessive noise and disturbance and could be enforced outside of the planning system. Environmental Health legislation would help to cover this. This is also disruptive to wildlife and surrounding residential amenities. Whilst Environmental Health have not objected, their recommendation is a condition to limit noise between 11pm-7am regarding these events. The degree of control outlined in the recommended conditions is proportionate to the site and the proposals and would meet the tests of reasonableness in regard to applying conditions.

Reason for refusal no.2

- 8.32 The previous application proposed the retention of the existing car park (8 spaces) and two additional disabled spaces further into the site. Overflow parking was also proposed at the timber yard but no further details were provided. It had previously been estimated by the Applicant that up to 30 cars may be on site at peak times. The Highways Authority also raised concern about the adequacy of the on-site parking. Issues relating to access and parking have been re-iterated in submitted representations.
- 8.33 With the benefit of clarity on the scale and frequency of activities, it is considered that sufficient parking has now been proposed. The Highways Authority do not object to the amount of parking. The proposed car park would also help to avoid any indiscriminate parking within the site, provided the site was appropriately managed in accordance with conditions.

Reason for Refusal no.3

- 8.34 The Highways Authority previously objected that the Applicant had not demonstrated the acceptability of using the access onto Dangstein Road. Their concerns related to two way traffic along this access, the visibility of the access and the adequacy of a draft Travel Plan. The application was not considered to accord with policy TR6 which does not support proposals which would adversely affect highway safety or generate traffic which would overload the highway network. These are considerations which have been raised in representations.
- 8.35 Highways Authority's concerns have been addressed with a more detailed Transport Assessment being submitted which includes traffic movements and details of the visibility splays for the Dangstein Road access. A Plan demonstrating adequate visibility splays at the access has been submitted, which the Highways Authority find acceptable. The Highways Authority recommended a pre-commencement condition for providing the visibility splays, however, following further discussion with them condition no.17 is recommended.

- 8.36 A draft Travel Plan has been provided however further discussion will be needed with officers and the Highways Authority to develop this further for travel behaviour to be monitored. Condition 19 is therefore recommended.

Other Considerations

Major Development

- 8.37 Representations have referred to SDNP draft policy SD3-Major Development. The previous proposals were not considered to be major development and the application was not refused on that basis. Notwithstanding, taking into account Counsel's advice to the Authority on major development, it is considered that the proposals do not have the potential to have a serious adverse impact on the natural beauty and recreational opportunities of the National Park by reason of their scale, character or nature, in the context of the surrounding landscape character, and the level of activity associated with the proposed use. Therefore, the requirements of paragraph 116 of the NPPF do not apply.

Viability

- 8.38 No business plan has been provided, which has been raised in representations. These also raise of the issue of other similar activities being accessible for people within the wider area. In regard to need, the tourism officer has not objected to the proposals and encourages these types of uses. The proposed conditions specifically restrict the use of the site and would not allow other activities which may fall within the same use classes. The activities predominantly relate to uses on site which arguably are not overly extensive (eg. 8 residential courses a year) and if these were unsuccessful they would not continue.
- 8.39 Temporary planning permission is also recommended in order to further assess the success of the uses in the future. In regard to the physical development which facilitates those uses, these are low impact and are not of a significantly permanent nature. Whilst a temporary planning permission is proposed, a condition which requires these structures to be removed is recommended in the event the proposals are not successful, given the simple low impact nature of their construction.

Landscape and cultural Impact

- 8.40 Issues of landscape tranquillity are addressed above. In regard to the visual impact of the proposals, the Landscape Officer has not objected. The proposed structures would be of a low impact sustainable design, made with timber from the site, and in locations where they would successfully assimilate into the site. They would not be seen from public vantage points along the adjacent roads or the site access. They would also not be prominent in wider elevated public views from the south on Harting Down.
- 8.41 The car park would involve minimal engineering and the final surfacing and lack of formally laid out spaces would help to give it a more rural appearance. It would not be seen in the wider landscape and it would relocate parking away from the site access. It is also considered that the parking area is not excessively large and, combined with its appearance, would not have a detrimental landscape impact. It would also be sited in a convenient and accessible location which allows for a suitable path to be created to the proposed facilities. The scale and design of the path would also not give rise to a harmful landscape impact.
- 8.42 In light of the considerations about the landscape impact in both regard to the uses and physical development, it is also considered that the setting of the historic parkland to the east would not be significantly impacted upon, particularly given that the ancient woodland along the site's eastern boundary would be retained. The nearest listed building is approximately 250m to the south and it is considered that these proposals would not impact upon its setting given the scale and nature of the proposals and the limited visibility between the sites due to the intervening topography, buildings and landscape character.
- 8.43 Landscape appraisals of the proposals have been commissioned by a neighbour. Their consultants have raised concerns relating to impacts upon the ancient woodland, the tranquillity and scenic quality of the local area, intensification of activity which will affect the landscape character of the site and surrounding area, the physical structures are not characteristic of the landscape and issues of precedent for other woodlands. There is clearly

a difference of professional opinion with the Landscape Officer, however officers have proposed a favourable recommendation having assessed the merits of the application.

Ecology

- 8.44 An ecological survey has been submitted. The site is known to be inhabited by a badger sett. Concerns have been raised by the local community in regard to the impact upon badgers as well as other species as a result of the activities on site, including boundary fencing. The ecologist has reviewed the scheme and not raised an objection, subject to conditions which are included in the recommendation (conditions 13 to 15).
- 8.45 An appraisal of the ecological information has been undertaken by an ecologist appointed by a neighbour. Their consultant's comments refers to a lack of information, such as a Woodland Management Plan, and that the updated ecology report submitted does not address concerns such as up to date species data and insufficient consideration has been given to protected species and habitats or the impacts upon the heathland. The County Ecologist has reviewed the application and has not objected. There is obviously a conflict between two professional views. Based on consultee advice, a reason for refusal has not been recommended on ecological grounds.

Trees

- 8.46 A strip of woodland along the eastern side of the site is designated as semi-natural ancient woodland. Paragraph 118 of the NPPF outlines that planning permission should be refused *"for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of veteran or aged trees unless the need for, and benefits of, the development in that location clearly outweigh the loss."* In this instance, given the nature and scale of the proposed activities and physical development, which does not involve the clearance of ancient woodland, the proposals would not conflict with this policy of the NPPF. A Woodland Management Plan is proposed as a condition and this could seek measures to ensure its long term conservation.
- 8.47 The car park is proposed within an existing clearing, albeit a number of larch trees are proposed to be removed, which are plantation specimens which would not warrant being retained for landscape or ecology reasons. There is a beech tree in this area which is of a higher quality which is proposed to be retained along with a 3m buffer around it. The path also navigates between trees and given its low impact construction it is not anticipated that it would cause harm to existing trees.
- 8.48 The extent of tree felling to date is also a concern of local residents. This is not a planning issue and is more specific to felling licences. It would not be proportionate to try and apply a planning condition which restricts coppicing for instance, however a Woodland Management Plan could provide some clarity on how the existing woodland would be managed.

Dark night skies

- 8.49 No external lighting is proposed. There would be some internal solar powered lighting within the new structures. The Dark Night Skies officer has not raised an objection and a condition relating to lighting is proposed.

Surface water and flood risk

- 8.50 The site is located within Flood Zone 1 (low probability for flooding) and is approximately 2km from the nearest watercourse which is the River Rother. Rain water harvesting is proposed for the shelters along with a green roof on the communal shelter.

EIA

- 8.51 The application has been screened for the purposes of whether an Environmental Impact Assessment would be required. It is considered that the proposals do not constitute EIA Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Temporary versus permanent planning permission

- 8.52 The above considerations outline that the proposals would be acceptable for the reasons outlined and a range of conditions have been recommended to manage the use and activities on site. That said, uncertainty remains about the site's management for the long term and what further controls (if any) may be required to alleviate concerns of either officers or local residents. Therefore, temporary planning permission for 3 years is recommended in paragraph 10.1 below.

9. Conclusion

- 9.1 It is considered that the application includes an acceptable and proportionate level of detail in order to clarify the proposed activities and assess the application. Officers have sought to balance the considerations of the previous reasons for refusal and other considerations in regard to the merits of the proposals, when reviewing the scheme as a whole and assessing its impacts and compliance with planning policy and material considerations.
- 9.2 It is considered that the proposed uses and level of activity cumulatively would not have a landscape impact in regard to tranquillity and visual impact in regard to the low impact design of the physical development, or significant impact upon surrounding amenities. Nevertheless, a temporary planning permission is recommended in order for the use of the site and proposed conditions to be re-assessed after an appropriate amount of time in order to consider further its impacts.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval subject to the following conditions:
1. The permission hereby granted shall be for a limited period expiring on 14 December 2020, and on or before this date the land shall be restored, through a submitted scheme of works, to a condition to be agreed by the Local Planning Authority in writing.
Reason: To enable the Local Planning Authority to further assess the impact on the proposed development.
 2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt and in the interests of proper planning.
 3. The materials to be used for the development hereby approved shall strictly accord with those indicated in in the approved details of the application.
Reason: To ensure an appropriate form of development.

Uses

4. The educational and recreational uses of the site shall be limited to the following activities and for no other uses whatsoever which may fall within Use Classes D1 and D2 as stated in the Use Classes Order 2015 (as amended or revoked and re-enacted):
 - I. No more than 4 educational day courses of up to 16 students in connection with the understanding of the natural environment and outdoor skills per week between Mon- Friday and 7am-6pm.
 - II. No more than 8 residential educational courses of up to 12 students in connection with the understanding of the natural environment and outdoor skills lasting up to 4 days in any calendar year.
 - III. No more than 4 evening educational events of up to 36 students between 7pm – 11pm in any calendar year.
 - IV. No more than 1 annual event which is related to the approved activities above in any calendar year.
 - V. Field archery shall only take place during weekends between the hours of 9am – 6pm.

A record of the educational courses held on site shall be maintained and kept up-to-date and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made).

Reason: To avoid an excessive use of the site and minimise any cumulative impact upon surrounding amenities and the special qualities of the National Park.

5. The 4 shelters hereby approved shall only be used for holiday accommodation or in connection with the residential educational courses only and for no other purpose (including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 2015 (as amended or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order)).

Reason: The use of the structures for residential development would be contrary to Local and national planning policy.

6. The holiday accommodation and camping pitches hereby approved shall not be occupied by any person, group or their dependants, for a period of more than 14 days in any twelve month period. A register of the occupancy of the lodges shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.

Reason: This development is only acceptable as holiday accommodation for use by short term visitors to the area. There is a need to ensure that practical and permanent management measures are in place to control the short term visitor accommodation.

7. In the event that the tourist accommodation on the site ceases, the 4 shelters as specified in Site Plan 4745 hereby permitted shall be removed and the land restored to its former condition.

Reason: To avoid the proliferation of redundant structures on the site.

8. The camping use hereby approved shall be limited to 4 pitches in the area shown on Site Plan 4745.

Reason: To manage the level of activity on site.

9. Notwithstanding the provisions of Schedule 2 part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended or revoked and re-enacted the same) the use of the site for any temporary purpose which is not specified in this permission shall not be undertaken unless otherwise agreed in writing by the Local Planning Authority.

Reason: To manage the level of activity on site.

Site Management

10. Between the hours of 23:00 to 07:00 the sound from any individual or combination of activities on site shall be no more than 'barely audible' when assessed at a site boundary.. On Saturday and Sunday mornings, the time shall be extended to 09:00, in line with the national code of practice with respect to the control of noise.

Reason: To protect surrounding residential amenities.

11. No external loudspeakers, public address/tannoy systems shall be used on the site at any time beyond 11pm unless otherwise agreed in writing with the appointed Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

12. A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first activity, as specified in condition 4, taking place, which shall include (but not limited to) the following:

- I. Site management in respect of noise and visitor activities such as barbeques, pets and amplified music.
- II. A Waste Management Plan identifying all waste streams and confirm how waste shall be collected, stored and disposed of.
- III. Car parking for the 1 annual social event

The Site Management Plan shall be implemented in accordance with the approved details and adhered to in the operation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the activities on site are appropriately managed.

Ecology

13. No development shall commence until a Landscape and Ecological Management Plan (LEMP) for the entire site has been submitted to and approved in writing by the Local Planning Authority. The details of the Heathland Management Plan (dated July 2017) shall be incorporated into the LEMP. The development shall subsequently proceed in accordance with any such approved details.

Reason: To manage and enhance the biodiversity and landscape qualities of the site.

14. Development shall proceed in accordance with the measures set out in Section 5 of the submitted Preliminary Ecological Appraisal (PEA) (Scotty Dodd, May 2016); Section 4 of the Addendum to PEA report (Scotty Dodd, June 2017); Section 4 of the badger survey report (Scotty Dodd, June 2017); and the submitted Heathland Management Plan Update (CJH Agri-Environment Consultants Ltd, July 2017), with features and management approaches retained and maintained as described.

Reason: For nature conservation and to protect wildlife habitat.

15. Prior to the commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the submitted ecological reports and shall set out measures to avoid impacts, including pollution prevention and encroachment of working or storage areas, on ancient woodland habitats, priority habitats and notable / protected species. The development shall be subsequently implemented in accordance with the approved details.

Reason: For nature conservation and to protect wildlife habitat.

Highways

16. The use of the site shall strictly accord with the following access arrangements:
 - I. The means of public access to the development shall be from Dangstein Road only.
 - II. There shall be no means of public vehicular, pedestrian and bicycle access from Fyning Lane into and out of the site
 - III. The access from Fyning Lane shall only be used for the purpose of forestry activities on site.

Reason: To manage the impact of traffic on surrounding rural roads.

17. Visibility splays of 2.4m x 50m to the west and 2.4m x 64m to the east at the site vehicular access, shall be provided in accordance with approved Plan no.4999 and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level.

Reason: To ensure a satisfactory means of access in regard to highway safety.

18. The permitted uses shall not be carried out until the approved car park and passing bay have been completed in accordance with the approved plans and brought into use. The parking shall thereafter be used and retained exclusively for its designated purpose at all times.

Reason: To ensure satisfactory parking provision on site.

19. Prior to the commencement of the development the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan Statement in accordance with the aims and objectives the National Planning Policy Framework and West Sussex County Council guidance on Travel Plans. The Applicant shall then implement the approved Travel Plan Statement and thereafter maintain and development the Statement in a manner to be agreed by the Local Planning Authority.

Reason: To manage the impact of traffic on surrounding rural roads.

Lighting

20. The development hereby approved shall be undertaken strictly in accordance with the lighting details in the Lighting Assessment, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of conserving dark night skies.

Other

21. The existing composting toilet, communal shelter and its ancillary structures shall be demolished and cleared from the land prior to the approved structures being brought into use.

Reason: To accord with the terms of the application and remove unauthorised structures.

11. Crime and Disorder Implication

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

12. Human Rights Implications

- 12.1 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.

13. 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.

14. 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.

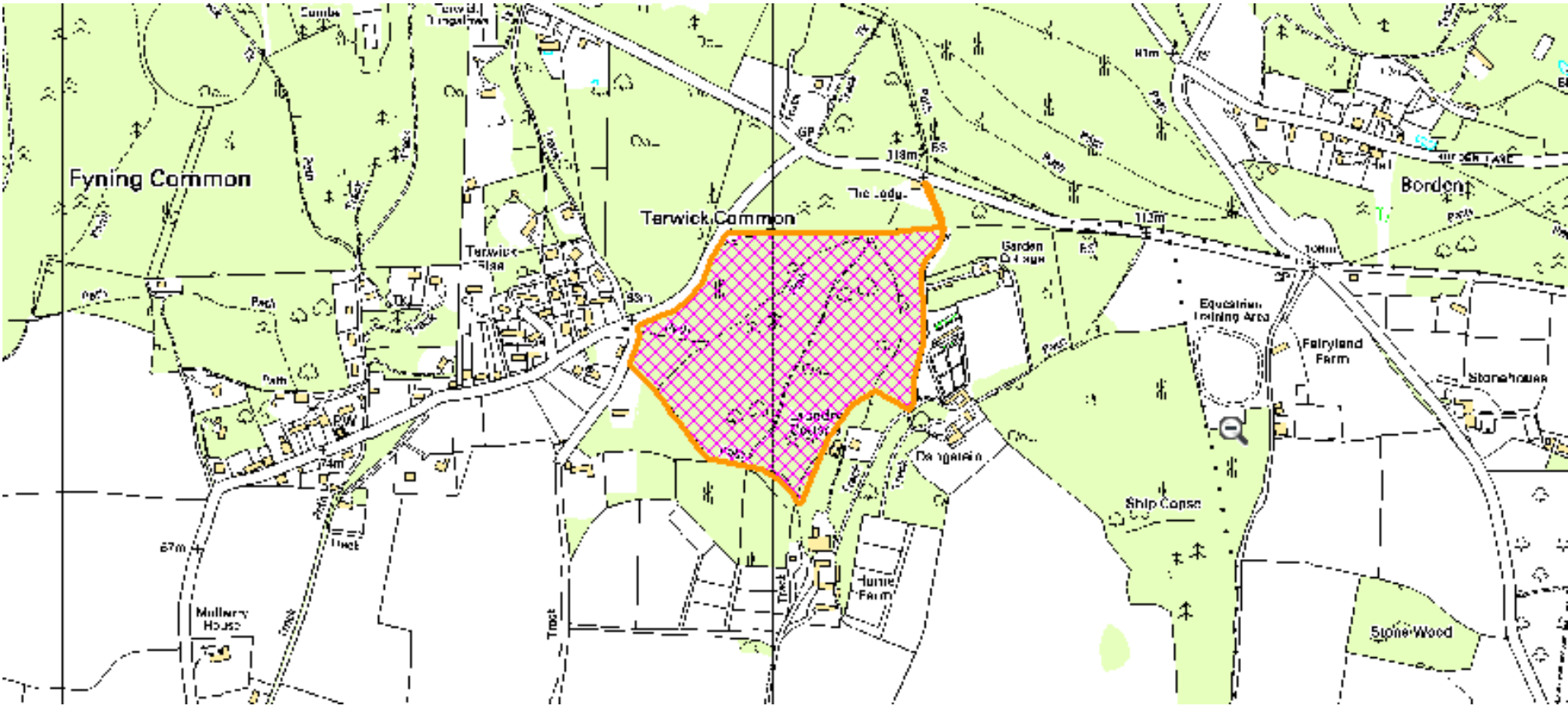
TIM SLANEY

Director of Planning

South Downs National Park Authority

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email: richard.ferguson@southdowns.gov.uk
Appendices
1. Site Location Map
2. Schedule of Proposed Activities
SDNPA Consultees
Legal Services, Development Manager.
Background
All planning application plans, supporting documents, consultation and third party responses
Documents
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OT80R2TUKLH00>
National Planning Policy Framework (2012)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
South Downs National Park Partnership Management Plan 2013
<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>
South Downs Integrated Landscape Character Assessment 2005 and 2011
<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

Site Location Map



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