

Report to	<b>Planning Committee</b>
Date	<b>14 March 2019</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Wealden District Council)</b>
Application Number	<b>SDNP/18/03970/FUL</b>
Applicant	<b>Mary-Jane Higgins</b>
Application	<b>Introduction of a two wheel access track retaining a central strip of grass running from Crowlink Lane to Crowlink Corner to provide a safer access to serve Crowlink Corner</b>
Address	<b>Land adjacent to Crowlink Corner, Crowlink Lane, Friston, East Sussex, BN20 0AX</b>

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**Recommendation: That planning permission be granted for the reasons and subject to the conditions set out in Section 10 of this report.**

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### **Executive Summary**

This application for the formation of an access track across an agricultural field to a residential property was deferred from Committee in November (Original report is attached as **Appendix 2**) to allow officers to seek clarification on a number of issues which are listed below.

- Ownership of the land where the track is proposed, and also the fenced enclosure to the immediate west of the cottage.
- Whether, irrespective of planning permission, the land owner could refuse for the works to be carried out.
- An indication of the surfacing materials.
- If the planning application from 2009 relating to the cottage, (planning refusal for the demolition of the property and building of a replacement dwelling), was part of the planning history and whether the decision reached was still extant.
- The contents of the submitted tree report, which trees they referred to, whether they lie within the red outline of the site and whether the works proposed were related to the development proposed.
- The use of the cottage as a holiday let/Airbnb and whether this requires a change of use.
- Whether details concerning excavation in conveyance documents lie within the consideration of this application.
- Whether access is only required for the cottage.
- The details of the arrangements to dispose of the spoil.
- Whether the National Trust, as landowner, has a right to develop a track for agricultural purposes.

Officers have received clarification in relation to these issues which are addressed in detail in the main assessment of the proposals. In addition, following the deferral of the application, the applicant submitted amended plans which removed the proposed turning area adjacent to the enclosure by the cottage and also have reduced the width of the track from 2.75m to 2.5m.

It is considered that the loss of the turning area is an acceptable amendment and will prevent one particular area from being used and impacted over a long period. It is considered that the lack of a turning area could not be sustained as a refusal on highway grounds, given that there is a significant length of the track along which users could informally turn and leave the site in a forward gear.

In addition, the reduction of the width of the track will further reduce the visual impact of the track in the surrounding area.

Given the additional information submitted and clarification received, officers consider the proposal to be acceptable on balance and permission is recommended.

The application is before Committee for consideration given the earlier deferral.

## **1. Site description**

- 1.1 The application site is located approximately 1km South-West of Friston/East Dean, 1km north of Birling Gap, on the heritage coast, in an open location. The agricultural fields in which the site is located was, according to Friends of the South Downs, bought by the South Downs Society (originally known as The Society for Sussex Downsmen) in 1928 and subsequently gifted to the National Trust. The owner of Crowlink Corner has access rights across National Trust land to their dwelling. As the site is owned by the National Trust agreement with the land owner would need to be found before planning permission for a new track is implemented. Any covenants or legal requirements in relation to the land between the owner and the applicant would be a civil matter outside the consideration of this application. The small enclosure to the immediate west of the residential property is also owned by the National Trust and leased to the applicant for the purpose of car parking.
- 1.2 The proposed track would connect Crowlink Lane with the applicant's residential property known as Crowlink Corner. Crowlink Lane connects a number of residential properties and a National Trust car park with the A259. The field entrance which the proposed track would utilise is visible from two properties - Grey Walls and Glebeland cottage, on Crowlink Lane. Crowlink Corner has been used as an Airbnb in the past, but is currently used by the owner while works to a second property, Crowlink Place, are undertaken.
- 1.3 The proposed track would follow an existing hedgerow with barbed wire fence for approximately 100m from Crowlink Lane. The track would then follow an existing flint wall measuring 1 - 1.5m in height, to Crowlink Corner. The proposed track would run 6m south of the hedgerow and flint wall and would cross a public right of way close to where the line of trees and flint wall meet. There is also a public right of way close to the field entrance.

## **2. Relevant planning history**

- 2.1 SDNP/18/03799/HOUS Crowlink Place  
Extension to the front elevation to form a new west wing with single storey additions to the front elevation at ground floor. Demolition of the existing UPVC conservatory and existing rear (north side) single storey extension. New single story orangery to east elevation. Replacement of all the existing UPVC windows with timber framed double glazed casements for paint finish. Alterations to the landscape to provide revised parking arrangements and pedestrian access to the house. Permission granted 3<sup>rd</sup> October 2018.
- 2.2 WD/2008/2811/F Crowlink Corner  
Demolition of existing substandard bungalow and replacement with new sustainable dwelling. Planning permission refused 22<sup>nd</sup> December 2008.
- 2.3 SDNP/16/05742/DINPP Chalk and geogrid driveway running from Crowlink Lane to Crowlink Corner (approximately 360m long and 3m wide) - Confirmed that planning permission would be required. 7th December 2016.
- 2.4 WD/1980/2754/F Crowlink Corner  
Kitchen extension. Approved 1<sup>st</sup> October 2 1980.

## **3. Proposal**

- 3.1 The application seeks to improve vehicular access to a residential property named Crowlink Corner by obtaining planning permission to construct a 360m long two wheel access track between Crowlink Corner and Crowlink Lane. The proposed track would measure 2.5 metres in width (having first been proposed at 2.75m in width). The track would replace existing informal and unmarked access across the field which uses a similar route, but starts 100m from the proposed field entrance on Crowlink Lane. The proposed track would be constructed from a Geotextile layer onto which 200mm of hardcore would be deposited

to create a sub-base. The sub-base would then be topped with 100mm of natural limestone and would have a 0.8m central grass strip along its entire length. Each crushed limestone track would measure 0.85m in width, separated from each other by the grass strip. The crushed hardcore sub-bases onto which the crushed limestone would be deposited would each measure 1.25m in width. The track would lie flat with the surrounding field, which would allow grass to grow over the edges of track.

- 3.2 The proposed track would cross East Dean and Friston Public Bridleway approximately 100m into the site. A new signpost would be installed at the point at which the track would cross the bridleway.
- 3.3 In response to an objection from the National Trust the applicant removed the turning area from the submitted plans. As a result of this amendment cars would be able to turn at any point along the track, thereby reducing the risk of erosion on any one particular area. Cars would park in the fenced enclosure area, owned by the National Trust, situated in front of Crowlink Corner. An ongoing arrangement between the National Trust and owner of Crowlink Corner has allowed cars to be parked in this area.
- 3.4 The proposal has been amended in respect of trees and now only proposes works to one tree which is located close to Crowlink Lane and overhangs the route of the proposed track. This tree would be pruned accordingly. Tree protection measures have been proposed in the updated Arboricultural report to protect trees in the vicinity of the proposed track. Measures include tree protection fencing and the identification of areas of “no-dig hardstanding”. The amount of material excavated from the no-dig hardstanding areas would be restricted to limit the impact of underlying roots. Details of works to be undertaken in the ‘no dig hardstanding’ areas would be controlled by conditions.

#### **4. Consultations**

##### **4.1 Landscape Officer – No objection subject to conditions**

- The proposal could comply with paragraph 172 and NPPF Section 12, paragraph 130.
- Mitigation for potential impacts would be built into the design of the track.
- The submitted Landscape and Visual Assessment is considered to be a fair and accurate assessment of the likely impacts of the proposals on landscape and visual amenity.

##### Response to further consultation

No further comments made.

##### **4.2 Principal Rights of Way Officer Comments**

There appears to us to be no reason to believe that this application will conflict with the use of Bridleway East Dean and Friston 20a.

The bridleway will be less impacted than it potentially would be if it was on the same alignment as the proposed track, as is the case on many bridleways. The frequency of vehicle use is unlikely to reach levels which would cause a significant nuisance to bridleway users. The open aspect of the location should allow both vehicle and bridleway users to take the appropriate action to avoid any conflict and any drivers unfamiliar with the location should be alerted to the bridleway by the proposed signpost.

The proposed construction and appearance of the track should serve to limit vehicle speeds. We would therefore support the condition proposed by the County Council’s Landscape Architect to ensure that the surface and appearance of the track cannot be upgraded in the future.

##### Response to further consultation

No further comments made.

##### **4.3 Access Team Comments**

The Rights of Way Officer welcomes the use of a rural specification for this access track. There are 2 public rights of way traversing the field through which the proposed two wheel access track also traverses (Eastdean and Friston 20a and 12a). All 3 of the routes converge on the gateway at Crowlink Lane. There is potential that once upgraded the public will walk or ride down this track inadvertently as it will be the most prominent of the three routes.

The Public Rights of Way Officer therefore suggests that the applicant liaises with East Sussex County Council to ensure there is a suitable fingerpost of South Downs National Park specification at the gateway directing the public along the correct routes.

Response to further consultation

No further comments made.

**4.4 Highways – No Comment**

The Highways officer did not consider it necessary to provide formal Highway Authority comments but advised the LPA to consult the minor planning application guidance (2017).

The planning application should identify if there is any effect on public rights of way.

The minimum width to allow emergency service access is 2.7m. The proposal for track widths looks to be acceptable as it may have to cater for not only cars but also vans and fire tenders.

Response to further consultation

No further comments made.

**4.5 County Ecologist – No objection**

Provided the proposed mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Gapping up of existing hedgerows and the provision of bat boxes will help enhance the site for biodiversity in line with the NERC Act and NPPF.

Response to further consultation

No further comments made.

**4.6 Archaeologist – No objection subject to condition**

The proposed development is of archaeological interest due to its location within an area that has been heavily utilised and settled from at least the Bronze Age period. The Historic Environment Record (HER) notes earthworks in this field, which may relate to a prehistoric or medieval field system. Also in the vicinity the HER notes discoveries of human burials, prehistoric flint tools and a deserted medieval village.

The proposed groundworks to create the formation level of this road will undoubtedly encounter buried archaeological remains and finds.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

Response to further consultation

No recommendations to make further to those submitted on 21/08/2018 recommending an archaeological mitigation condition.

**4.7 East Dean and Friston Parish Council - Object**

- The development would be contrary to a protective covenant in three respects:
  - It would support a business as Crowlink Corner.
  - It would require excavation works.
  - It would cause a public nuisance.
- It would harm the surrounding landscape.
- The existing access is adequate.
- The proposed route runs parallel to the private right of way, but a little further into the field.
- Inadequate consultation between the applicant, members of the public and the National Trust.
- In-sufficient information regarding the turning area.
- The turning area may be used for parking.

- Insufficient information has been provided with regards to ecological impact and the Design and Access statement.

#### Response to further consultation – Objection

- The proposed track is a major engineering project – 360m in length and would generate approximately 544 tons of spoil and would require the use of significant plant and machinery.
- Spoil would be sent to a licensed landfill.
- 430 tons of material would be imported onto the site.
- Impact on public bridleway and health and safety issues for people and livestock.
- The proposed works would lead to long-term damage to Crowlink Lane.
- Historic archaeological deposits would be lost.
- The proposal involves tree works to trees outside the boundary of the red line.
- The Ecology Report referred to by the County Ecologist is not available from the SDNPA website. (*Officer Comment: The report is available to view on the Authority website*)
- Lack of parking on the Crowlink Corner site. Cars would therefore park on the turning area.
- The use of grass matting would be preferable to the proposed method of construction.
- The proposed works are not sufficiently discrete.

#### Additional comments provided 20<sup>th</sup> February 2019

- Issues related to the trees have largely been resolved. The Parish committee stressed a preference for no dig solutions.
- The issue of parking is still unresolved.
- The use of limestone is considered acceptable.
- Construction traffic which would need to travel along Crowlink Lane – is a concern.

#### **4.8 South Downs Society – Object**

- Crowlink Corner is being advertised for let as holiday accommodation.
- The development would harm valuable chalk grassland by introducing a hard surface.
- The land on which the proposed track is located is public access land, owned by the National Trust.
- The minimum width should be used to lessen the track's visual impact.
- Crushed chalk and flint would be preferable materials.

#### **4.9 National Trust (land owner) – Object**

The Trust has objected to the current proposal because we do not wish to see any form of turning circle, surfaced or unsurfaced on its land. Should a turning circle be required then it should be on the applicant's land. This could be achieved by bringing the route of the two wheeled track, where it meets the boundary of the applicant's land, to the south. The applicant currently has a licence for the land to the north where the two wheeled track is currently proposed to enter their boundary – however this is only on an annual basis and the land concerned is inalienable.

Overall, the Trust feels that the two wheeled track as proposed is too wide and should be limited to something that would accommodate usual domestic traffic. The route should where possible follow the historic route where there is an existing gate out on to the lane.

#### Additional Comments

The Trust notes the removal of the turning head and this is welcomed. The Trust however is disappointed that the width of the track has not been further reduced and therefore maintain an objection. The Trust considers the overall width could be reduced given that this track is primarily for access by domestic scale vehicles to a modern residential dwelling.

The trust welcomes the retention of tree TI and notes the track can be achieved through the Corsican Pines without impacting on them, provided the proposal includes no digging.

The Trust considers an additional condition is required for a Construction Management Plan.

#### 4.10 **Tree Officer**

The Tree Officer asked a number of questions which were subsequently answered by the applicant's agent. Should the application be approved a number of conditions are recommended which relate to the protection of existing trees.

##### Further comments – No objection subject to conditions

- Clarification has now been provided regarding retention of tree specimens T15 – T21.
- Tree specimen T1 is now being retained.
- Tree protective fencing (tree construction exclusion zones) have now been depicted for trees T20 - T27 on the revised tree removal / protection plan, sheet 2 of 2, TPP-01 Rev 3, and a tree fencing specification provided later in this document.

#### **5. Representations**

5.1 Detail of representations on the original submission can be found in **Appendix 2**. Objections and letters received since Planning Committee on 8<sup>th</sup> November 2019 raise similar issues to those originally made.

5.2 Additional points are listed as follows:

##### Objections

- Cars park in the field owned by the National Trust on a regular basis (photographs provided).
- The National Trust will not allow parking or turning on their land. The issue of where cars park and turn has not been resolved.
- The National Trust should not exercise its development rights to allow the application to construct the proposed extensive track due to its detrimental impact on landscape and the environment given that the National Trust has a statutory duty to protect property in its care for the benefit of the nation. Planning permission should not be given which would permit or encourage a breach of statutory duty by the NT.
- No justification or legal basis for the proposed track.
- The rules of the conveyance do not allow the construction of the proposed track.
- Development rights remain with the National Trust as the owners of the land – not the applicant.
- Potential damage to tree roots.

Joint residents' response – objection endorsed by 16 local residents and regular walkers at Crowlink

- Reasons for objection provided during previous consultation still apply and include the provenance of an important area of land and the potential for urbanisation of a protected wild landscape.
- Trees, in particular the 6 mature Corsican pines inadequately protected.
- The submitted arboricultural report (2018) is inaccurate.
- The width of the track is too wide and would be too obtrusive.
- Parking issues have not been resolved.

The removal of spoil would pose a Health and Safety hazard – as it would need to be transported via a narrow lane (Crowlink Lane).

- A construction plan should be provided to manage this project.  
Maria Caulfield (MP)
- The land in question is part of the SDNP and the National Trust. The public, with the Sussex Downsmen, in 1926 bought this land for the sole purpose of preserving it in perpetuity for the peaceful enjoyment of the public and wildlife.
- There is an inalienable right for people to come and go, but there is no right of way for vehicles. This is not the applicant's land and they have no more right to it than any other member of the public. The National Trust have objected to the proposal.
- The proposal would not comply with NPPF Sec 15 for conserving and enhancing the natural environment, particularly paragraphs 170 and 172.
- The turning circle within the field brings an additional unwelcome urban influence on the surrounding landscape that is out of character and should not be allowed.

- Many comments supporting the application state that they have visited the site for decades and have managed to access the property without a track. The lack of a track has not deterred them from continuing to visit the property therefore a track is not necessary.

### 5.3 Comments made in support

- The proposal would benefit members of the public as it would reduce the likelihood of injury due to uneven ground and tyre tracks. This will preserve the ecology from further damage caused by environmental factors and the need of vehicle access.
- Residents of Crowlink Lane built a track to the lower part of Crowlink Lane out of necessity to access their homes approximately 15 years ago. The proposed track is more natural looking than the tarmacked track which extends along Crowlink Lane.
- The new proposed width of 2.5m to match that of the tracks that all other residents on Crowlink Lane enjoy seems only fair.
- The applicant has gone to great lengths to employ the most sympathetic design possible.
- The amendments which have been made to the proposal shows the applicant's willingness to listen to concerns.

## 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 comprises the saved policies of the Wealden District Council Local Plan (1998) and the Wealden District Council and South Downs National Park: Wealden Core Strategy Local Plan (2013). 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 to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### National Planning Policy Framework (2018) and Circular 2010

- 6.3 The National Planning Policy Framework (2018) is considered holistically although the following sections are of particular relevance to the application.

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Paragraph 172 conserving and enhancing landscape and scenic beauty in National Parks.

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

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### The South Downs Partnership Management Plan (PMP) 2013

- 6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications. The following policies are relevant: 1, 3 and 28

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 Local Plan

- 6.5 The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1<sup>st</sup> February 2019 to 28<sup>th</sup> March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

## **7. Planning Policy**

- 7.1 The relevant saved policies in the Wealden District Local Plan (1998) are:

- EN 12 Protection of trees and woodlands
- EN 29 Light pollution

- 7.2 The relevant saved policies in the Wealden District Council and South Downs National Park Authority: Wealden Core Strategy Local Plan (2013)

- CP1 Landscape and Townscape Character
- CP2 Environmental Quality

- 7.3 The relevant policies in the South Downs National Park Local Plan - Submission 2017 are:

- Policy SD1 Sustainable Development
- Policy SD2 Ecosystem Services
- Policy SD4 Landscape Character
- Policy SD8 Dark Night Skies
- Policy SD11 Trees, Woodland and Hedgerows

- 7.4 The relevant policies in the East Dean and Friston Village Design Statement are:

- Policy DG5
- Policy DG7

## **8. Planning Assessment**

- 8.1 This planning assessment concentrates on the issues on which Members sought clarification at the November 2018 Committee, (as set out in the executive summary).

### Ownership/civil matters

- 8.2 Whilst the National Trust owns the fields which surround Crowlink Corner (and which form part of the application site where the access track is proposed), the applicant – the owner of Crowlink Corner has right of access to her property, across National Trust land through a legal agreement. The small fenced area to the west of Crowlink Corner is owned by the National Trust and is leased to the applicant for the purposes of parking up to two cars. This is a long standing arrangement which the previous occupier of Crowlink Corner also benefited from. The proposal would not increase the number of people visiting Crowlink Corner and as such, parking requirements should not increase. Whilst the fenced area is small, it would be possible to manoeuvre a car within this area.

- 8.3 The hammerhead turning area has been removed from the plans. This is in response to concerns from the National Trust. No change to the existing arrangement for drivers has been proposed. Vehicles would be able to turn at any point along the track. This reduces the risk of erosion on any one particular area.



- 8.4 The conveyance appears to prevent excavation of the land, however the requirements of the conveyance is a civil matter, not a planning matter. Secondly, it should be noted that the proposed track would only disturb the top 300mm of ground.

Impact on trees

- 8.5 The applicant reduced the number of trees affected by the development to one Ash tree which overhangs the line of the proposed track and is on land owned by the National Trust. Whilst works to other trees were initially proposed, for reason of good tree management, these works were not considered necessary for the construction of the track. For this reason the proposal has been amended and a number of tree protection measures such as fencing and the identification of no-dig areas have been proposed. These tree protection measures are proposed at both the eastern and western ends of the track. No trees grow near the centre of the track. These measures are supported by the SDNPA and Wealden District Council Tree Officer.

Use of cottage

- 8.6 The applicant currently lives at Crowlink Corner and intends to live there until construction work at Crowlink Place, the applicant's primary house of residence, has been completed. This work is expected to be completed in 2020. At the previous Committee, Members questioned if the use of Crowlink Corner as an AirBnB required planning permission, it is confirmed that such a use would not require planning consent. Also, it is beyond the remit of this report to consider what future proposals the applicant may wish to pursue. Should members of the public suspect an unauthorised use of the land they should contact the Enforcement team at the SDNPA accordingly.

Other issues

- 8.7 The Highways Authority advises that the minimum width needed for emergency service access is 2.7m. Whilst the proposed width of the track is 2.5m, the Planning Authority considers that the proposal would significantly improve vehicular access to the site and as such should be supported. It must also be noted that the primary purpose is for domestic traffic as opposed to large vehicles or service vehicles.
- 8.8 Many of the representations submitted by people who have visited Crowlink Corner from Crowlink Lane noted the difficulty of accessing the site – especially in wet weather and in foggy conditions. Therefore, on balance, the need for the track has been justified to the SDNPA.

The applicant's agent has provided a sample of Limestone which would be used in the construction of the track and is considered to be appropriate.

Proposed materials and arrangements to dispose of spoil

- 8.9 The details of the conveyance state that there would be no excavation. The legal requirements of the conveyance are not a planning matter and the proposed works would only affect the top 300mm of ground.
- 8.10 The applicant's agent has confirmed that 300 cubic metres would require removal. This material would be taken to a local East Sussex recycling facility for reprocessing. Some topsoil disturbed during construction would be reused on site. A condition has been proposed to ensure a detailed construction management plan is submitted and approved before development takes place. This will ensure material is imported and exported safely to/from the site.

Principle of the development and Landscape impact

- 8.11 Paragraph 10 of the NPPF and Wealden District Local Plan policy WCS14 Presumption in Favour of Sustainable Development encourages the Local Planning Authority to take a positive approach that reflects the presumption in favour of sustainable development. It encourages LPAs to work with applicants to improve the economic, social and environmental conditions in the area.

- 8.12 The principle of the development which is to construct a track across the field to serve a residential property is reasonable as, whilst it would have minimal impact on the economy or the environment it would improve the living conditions for the applicant.
- 8.13 Although the site is in a location of landscape value, due to the nature of the proposal the Landscape Officer raised no objection. The track has been designed to look rural and in keeping with the surrounding area. Whilst users of Public Rights of Way and residents at Grey Walls and Glebeland cottage may be able to see the proposed track, the existing flint wall would help to screen the track from distant views.
- 8.14 Policy SD4: Landscape Character of the South Downs Local Plan (2018) states that development proposals will only be permitted where they conserve and enhance landscape character. The track has been designed so that in time it will blend into the landscape through the use of crushed limestone and the incorporation of a central grass strip. In addition, the track will ensure large areas of the field are not eroded by vehicles travelling across the field and in this respect offers a landscape enhancement. No objection has been received from the Landscape Officer and officers consider on balance, that the requirements of policy SD4 have been met. On balance the proposal is not considered to result in an unacceptable impact on the surrounding landscape and is therefore consistent with Section 15: Conserving and Enhancing the natural environment of the NPPF(2018) and South Downs Local Plan (2017) policy SD4: Landscape Character.
- 8.15 The width of the proposed track was 2.75m, but following concerns relating to landscape impact and discussion with Members during Planning Committee in November 2018, has been reduced to 2.5m. The track would include a central grass strip and would use natural limestone (which is from the same geological family as chalk, but is more durable) and does not retain hard edges. These elements of the proposal as well as the removal of the turning area and retention of existing trees would reduce the landscape impact of the proposal, whilst improving access to Crowlink Corner.
- 8.16 The SDNPA's planning assessment on issues relating to intensification of use, noise and tranquillity, the monitoring and enforcement of the track, potential for the proposal to set a precedent and ecological impact are discussed in the Planning Assessment section of **Appendix 2**. The views expressed in the original report on these issues have not changed since the deferral of the application or in light of the amended details.

## 9. Conclusion

- 9.1 The proposed development would improve vehicular access to Crowlink Corner and would not have an unacceptable impact on the surrounding landscape (SDLP policies SD1 and SD4). The changes which have been made to the proposal - the removal of the formal turning area from the submitted plans, the reduction in the width of the track and the assurance that only one tree would be affected by the development would reduce the impact of the proposed development on the surroundings and the landscape. The one tree which would be affected would be pruned so that the branch which currently overhangs the line of the proposed track would not pose a hazard. These works are considered acceptable to the SDNPA and Wealden District Council Tree Officer.
- 9.2 The proposal would not result in an increase in traffic and as such would not affect the tranquillity of the area (SDLP policy SD7), dark night skies (SDLP policy SD8 and Wealden District Council Local Plan policy EN29) or cause an increased risk of harm to livestock or people. In addition the proposed development would not have an unacceptable impact on ecology (SDLP policy SD9) or on Public Rights of Way (Partnership Plan policy 28) and as such should be permitted.

## 10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval subject to the following conditions:-
- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Archaeology

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

3. Prior Notification

A minimum of 14 working days' prior notice of the commencement date of development shall be given in writing to the South Downs National Park Authority.

Reason: To enable the nominated archaeological organisation to be notified in advance of the development commencing in accordance with South Downs Local Plan (2018) Policy SD16.

4. External Lighting

No external lighting or floodlighting shall be installed without the prior written approval of the South Downs National Park Authority. Any that is installed with the permission of the South Downs National Park Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with South Downs Local Plan (2017) policy SD8: Dark Night Skies.

5. Wheel Washing

No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the South Downs National Park Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: In the interest of highway safety.

6. Materials

The sub-base of the track hereby permitted shall be constructed from a Geotextile membrane and 200mm of crushed hardcore only. The surface of the track shall be made of crushed limestone with a depth of 100mm and shall be constructed as shown on submitted drawing titled Typical Section received 8<sup>th</sup> January 2019.

Reason: To limit the development to that applied for.

7. Grass strip

The track hereby permitted shall include a 0.8m wide grass strip which shall run along the centre of the entire track, as shown on submitted drawing titled Typical Section received 8<sup>th</sup> January 2019.

Reason: To limit the development to that applied for and to reduce the landscape impact of the development in accordance in Local Plan policy SD4: Landscape Character

8. Procurement of bat and bird boxes and improvement of existing hedgerow

Prior to commencement of development, the specification and locations of bat and bird boxes to be incorporated into the development and planting details to infill the existing hedgerow shall be submitted for written approval

to the South Downs National Park Authority. Development shall subsequently proceed in accordance with any such approved details and the boxes shall be maintained and retained permanently as such thereafter.

Reason: To enhance biodiversity in accordance with South Downs Local Plan (2017) Policy SD9.

9. Timing of vegetation removal

No works to the Ash tree identified in the Arboricultural Report (February 2019) as T1 shall take place between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the South Downs National Park Authority.

Reason: To ensure that animals are protected and their habitats enhanced, in accordance with the Wildlife and Countryside Act 1981 and the NPPF.

10. Vegetation

No trees or hedgerows shall be removed.

Reason: To ensure that animals are protected and their habitats enhanced, in accordance with the Wildlife and Countryside Act 1981 and the NPPF.

11. Protection of existing trees to be retained

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the South Downs National Park Authority. The fences shall be erected in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

12. Protection - No Works near Trees and or Hedgerows

No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, topped, lopped or destroyed without the consent in writing of the South Downs National Park Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the South Downs National Park Authority:

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area.

13. No-Dig Hardstanding areas

No development shall take place until the details of the works required within the areas defined as “No-Dig Hardstanding” on Arboricultural report (February 2019) have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of ecology.

14. The surface treatment of the track shall not be upgraded/altered or changed without the prior written consent of the Local Planning Authority.

Reason: To limit the impact on the surrounding landscape.

15. Construction management plan

No development shall take place until a detailed construction management plan has been submitted to and approved in writing by the South Downs National Park Authority. The construction management plan shall be implemented in full. The construction management plan shall include the following:

- a. measures used to ensure the safe removal of material from site,
- b. measures used to ensure the safe importation of material to the site,
- c. equipment used during the construction of the track,
- d. the hours in which the track would be constructed.

Reason: In order to protect the amenity of the area.

**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. This has included the provision of pre-application advice from the SDNPA Development Management 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.

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

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Appendices:	1. Site Location Map 2. Committee Report ( <b>SDNP/18/03970/FUL</b> ) November 2018.
SDNPA Consultees	Legal Services, Director of Planning.
Background Documents	All planning application plans, supporting documents, consultations and third party responses <a href="https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>

National Planning Policy Framework (2018)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

Wealden District Council (1998): Wealden District Local Plan

[http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/Former\\_Local\\_Plan/Planning\\_Adopted\\_Wealden\\_Local\\_Plan\\_1998.aspx](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Former_Local_Plan/Planning_Adopted_Wealden_Local_Plan_1998.aspx)

Wealden District Council and South Downs National Park Authority:  
Wealden Core Strategy Local Plan (2013)

[http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/CoreStrategy/Core\\_Strategy\\_Local\\_Plan.aspx](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/Core_Strategy_Local_Plan.aspx)

East Dean and Friston Village Design Statement

<https://www.southdowns.gov.uk/planning/community-planning/village-design-statements/>



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