



Agenda Item 7
Report PC63/18

Report to	Planning Committee
Date	11 October 2018
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/18/00643/FUL
Applicant	Mr Mike Ruddock
Application	Construction of ten treehouses to provide tourism accommodation and car parking, access paths and boardwalk. Biodiversity enhancements, woodland management and landscaping across the site.
Address	Land South of A272, Cowdray Park, Cowdray Estate, Easebourne, GU29 0AY

Recommendation: That the application be refused, for the reasons set out at paragraph 10.1 of this report

Executive Summary

The applicant seeks permission for the erection of 10 treehouses on a woodland site within the historic parkland associated with Cowdray Park to provide tourist accommodation within walking distance of Midhurst.

A total of 8 No 1 bed and 2 No 2 bed treehouses are proposed, with parking for up to 15 cars provided within an area of existing hardstanding sited approximately 500m to the north-west of the main application site, near the Cowdray Farm Shop.

It is clear that the scheme would accrue a number of benefits that would align with the Second Purpose of the National Park, including the provision of tourist accommodation, opportunities for the understanding and enjoyment of the National Park's special qualities, and benefit the local economy. However, officers have concerns in regard to the impact of development on the woodland, which forms part of a historic parkland, its landscape character, and woodland habitat which has resulted in a recommendation of refusal. The decision by Members will therefore require consideration of this impact and whether this would be outweighed by the merits of the scheme.

This application is being placed before Members because it raises unique policy considerations.

I. Site Description

- I.1 The site is located within the Cowdray Estate, to the east of Cowdray House, and just south of the A272. The edge of the site is visible from the main road, and from public footpath 1109 which runs east/west towards the site before crossing the A272 north of the site. The area falls within the North Rother Valley Sandy Arable Farmland Landscape Character Area, and forms part of the historic parkland associated with Cowdray Park.

- 1.2 Cowdray House is a grade II listed building sited some 250m to the south east of the site and is primarily used for private events. Cowdray Café and Farm shop lie some 700m to the west of the site adjacent to the site of a former Priory, which now comprises a number of Grade I listed buildings including St Mary's Church and several residential units.
- 1.3 The site abuts the A272 to the north and slopes downwards from north to south, and more steeply from east to west. The site is bounded to the east by the Wellingtonia Avenue, which is part of the wider grounds of Cowdray House. To the west is an agricultural field, and beyond to the south west lie the main Cowdray polo fields.
- 1.4 The main site comprises just over 4ha area of broadleaf woodland known as Lodge Wood, which forms part of the Victorian historic parkland associated with Grade II listed Cowdray Park. Cowdray Park itself contains many designated heritage assets, and is identified in the Midhurst Conservation Area Appraisal as making a major contribution to the distinctive identity of this part of the South Downs National Park. The site formed part of the original pleasure grounds, and retained a number of rides or openings in the woodland running west-east through the woodland. The remnants of a hoha (boundary ditch) runs along the western boundary of the site.

2. Relevant Planning History

- 2.1 The most recent planning history relating to the site is as follows:

SDNP/17/03303/PRE Construction of tree house tourism accommodation at two separate sites within the estate, use of existing access points and parking along with ecology enhancements and landscaping. Advice provided 20.06.2017.

The advice stated that whilst there was no in-principle objection to the provision of tree houses on the Cowdray Estate, there were concerns in regard to the location and impact of the development; requirement for careful consideration in terms of the use of landscape character to inform the scheme, and of access and parking, materials, lighting; and more detail regarding protection of trees and construction methods. Any scheme should also maximise opportunities for conservation and enhancement such as improving footpaths and cycle ways; using local wood and telling the story of the Estate and its historic context; sustainable water management; and integrated biodiversity enhancements within the built and non-built parts of the scheme.

3. Proposal

- 3.1 The application is made by Blue Forest, who specialise in providing luxury tree houses in the UK and abroad. The scheme has been subject to a number of site visits and detailed discussions between the applicant and officers, and a number of amendments have been made to the scheme throughout the course of the application, including removal of a new access from the A272; a reduction in the number of 2 bed treehouses from 10No to 2No; reinstatement of the historic rides; and further information in regard to ecology, tree protection and construction methods, and woodland management.
- 3.2 The treehouses are proposed to be located either side of an existing track that runs north/south through the site. 2No 2 bedroom units would be provided, with a total Gross Internal Area (GIA) of 61.5m², and 8No 1 bedroom units with a GIA of 44m². The existing track through the site would be reinforced with geocell and mulched over, and board walk paths would branch off to serve each unit. Water would be provided via connection to the water mains to the north of the site, and servicing facilities including water and electricity would be routed through the geocell surfacing, and above ground within the board-walk structure. A reed bed sustainable drainage system (SuDS) would be provided for sewage arrangements.
- 3.3 The revised Design and Access Statement states that the units would be constructed using pre-fabricated steel and timber frames, and pre-formed panels that would be constructed off-site. The secondary structural components and deck would be constructed using various types of timber cladding which would be sustainably sourced from the local area including some products from the Cowdray timber yard. Local products such as chestnut shingles would also be used. Helical piles installed in and around tree roots would be used to

accommodate the structural loads, avoiding the need for excavation. The site would have a fence along the boundary line to allow the site to be an off-leash area for dog walkers.

- 3.4 A car park would be provided within an existing area of hard standing to the north of the Cowdray Café, with the main access to the site being provided along an existing estate track. Luggage drop-off and other services such as laundry would be brought in using golf buggies. Visitors would be picked up or dropped off on arrival and departure at the car park site by buggy. Pedestrian access is also provided by public footpath 1109.

4. Consultations

4.1 Access and Public Rights of Way: No objection.

- Recommend the access paths within the site and connecting to Cowdray Farm shop and café and Midhurst to be upgraded to shared-use to permit use by cyclists and wheelchair users. This will require agreement of the landowner and, if the upgrade is to include formal dedication, consultation with WSCC as Highways Authority.
- Recommend the provision of secure cycle parking adjacent to each treehouse.

4.2 Archaeology: No objection.

4.3 Dark Night Skies Officer: No objection, subject to conditions.

- The proposed lighting will meet requirements within a dark sky reserve, however further clarity needed in regard to the lumen output of the bollard and board walk lights as anything above 500 lumens should have zero upward light.
- A curfew of 9pm is recommended.
- The blinds design and location in and around the tree canopy will absorb internal light spill however may impact on wildlife.
- Any further external lighting must be restricted.

4.4 Drainage Engineer: No objection, subject to condition.

4.5 Easebourne Parish Council: No objection.

4.6 Ecology: No objection, subject to conditions.

4.7 Environment Agency: No objection.

4.8 Environmental Health: No objection.

4.9 Highways Authority: No objection subject to condition.

4.10 Historic Buildings: Objection.

- The structures would not have significant impacts on the settings of surrounding heritage assets however could significantly impact the woodland which constitutes a historic feature in its own right within a Registered Park.
- The structures seem whimsical and whilst there is some precedent for playful structures of this nature within the setting of a Victorian pleasure garden, it becomes progressively less convincing when up to ten are proposed.
- The structures are substantial and the direct impact on trees and potential development conflict in terms of safety and services provision is unclear.
- The scheme seems intensive and five or six units would have been preferable.
- Any heritage benefit would depend heavily on robustly secured specific management proposals to identify and protect historic planting, clear invasive undergrowth and re-open the C19 rides.
- The design requires a bespoke approach that celebrates the Estate and its own distinctive site and character, built by local joinery firms using timber predominantly harvested from the Estate.

4.11 **Historic England:** No objection, subject to conditions.

- Increasing access to the asset which generates income for its long-term future is in principle acceptable.
- The harm to the historic asset is considered to be less than significant in the terms of the NPPF.
- Reinstatement of the former rides (in whole or part) as part of an agreed landscape management plan for the woodland would represent a heritage benefit.
- Details of lighting should be secured through condition.
- The extent of occupation of the treehouses needs to be clarified so that impact and potential harm at different times of year can also be assessed.

4.12 **Landscape Officer:** Objection.

- The site choice and proposal has not been landscape-led and as a result does not achieve the best outcome for the site.
- The history of emparkment in this location is considerable, and the parkland, designated character of the site and its surroundings remains strong
- The proposal is an over-intensification of the site and has resulted in a layout, design and associated paraphernalia which imposes a suburban character upon a rural, historic designed landscape.
- The use of perimeter fencing, boardwalks and lighting bollards are additions to the Parkland that will likely take away from the designed landscape character, rather than producing a neutral or positive effect.
- The proposal does not conserve and enhance the natural beauty, wildlife or cultural heritage of the site and its immediate surroundings as per the first purpose of the National Park.
- Opportunities to integrate experiential qualities such as dark night skies, tranquility and getting close to history and nature have been missed through a design insensitive to these existing positive qualities of the site and its immediate context.

4.13 **Southern Water:** No objection.

4.14 **Sussex Gardens Trust:** Comments:

- Content in principle for low key tourist use that secures the site's future management and future positive contribution to the wider designed historic landscape.
- Concerns regarding the size and number of tree houses proposed and their appearance, and how these could be satisfactorily absorbed within the woodland.
- The development is not considered true to the 'tree house' typology; rather they are folksy stand-alone ground dwellings lacking any special interest.
- It is unusual for dwellings to be sited so close to forest trees and the development will drive the way the woodland is managed, i.e. with greater weight given to safety considerations.
- The revised siting of the car park, reduced bulk of the tree houses, and more sympathetic specification of hard landscaping materials represent an improvement.
- The new structures will cause some harm to the significance of the park but improved management of the woodland will provide some offsetting benefits.

4.15 **Sustainable Tourism Officer:** No objection.

- Will meet a need for rural tourism accommodation in the SDNP and support estate diversification.

- Interesting, high end design creating an accommodation that is a destination and experience in its own right.
- Well suited for year-round nature based tourism, with opportunities to promote and foster visitor understanding, education and enjoyment of the National Park's special qualities.
- Would support the local visitor economy through linkages to local producers, however stronger linkages could be promoted.
- Access and car parking includes facilities for electric cars and bicycles, and promotes cycling and walking when in the area.
- Construction will partly use local materials from Cowdray timber yard.
- Access to the units will be ramped and 10% of all lodges and 5% of all parking spaces will be fully accessible.
- Creation of 5 new jobs.

4.16 **Tree Officer:** No objection, subject to conditions.

4.17 **Woodland and Biodiversity Tree Officer:** Objection.

- This is a priority habitat in a registered park and garden, in a National Park, and the size and scale of the development and associated infrastructure and public access will affect most of the woodland site, and thereby its character.
- It has not been demonstrated that it is technically possible to construct the lodges in this site without detrimental impact to biodiversity, or that the biodiversity, habitat and landscape would be enhanced as a result of development.
- Increasing public access to the site will require a significant increase in tree safety works including post construction, which will significantly change the character of the woodland, and remove habitat for priority species.
- Lack of detail in regard to tree works, which are likely to be significant given the increased public access to the site, and reliance on agreeing important tree protection details at a later stage.
- Although ground protection measures would be provided no areas will be fenced off in compliance with BS 5837:2012.
- Lack of detail in regard to what materials will be sourced locally, which is a missed opportunity.
- The Woodland Management Plan is driven solely by safety considerations rather than standard sustainable woodland management practices.

5. Representations

- None received.

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 (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 The National Planning Policy Framework (2018) is considered holistically although the following sections are of particular relevance to the applications:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

6.4 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.

6.5 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.

Major Development

6.6 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2018), and accompanying footnote 55, advising that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The South Downs National Park Partnership Management Plan 2014-2019

6.7 The South Downs National Park Partnership Management Plan (SDPMP) (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.
- 8: Prevent, control and eradicate invasive non-native species.
- 9: The significance of the historic environment is protected from harm .
- 10: Improve the management of heritage assets, particularly focusing on those that are 'at risk'.
- 28: Improve and maintain rights of way and access land.
- 29: Enhance the health and wellbeing of visitors by encouraging, supporting and developing the use of the National Park as a place for healthy outdoor activity and relaxation.
- 30: Raise awareness and understanding about the National Park.
- 41: Influence visitor behaviour in order to reduce impacts on the special qualities and increase visitor spend in and around the National Park.

- 43: Support the development of appropriate recreation and tourism facilities, including a mix of quality accommodation which responds to market demands and supports a sustainable visitor economy.
- 44: Encourage and support tourism providers to develop sustainable business practices and increase knowledge about the National Park's special qualities.
- 55: Promote opportunities for diversified economic activity, in particular, where it enhances the special qualities.

Statutory Requirements

- The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect listed buildings or their setting.
- Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

7. Planning Policy

7.1 The following saved policies of the Chichester District Local Plan (1999) are relevant:

- RE1: Development in the Rural Area Generally
- RE4: Areas of Outstanding Natural Beauty - Chichester Harbour and Sussex Downs: Protection of Landscape Character
- RE8: Nature Conservation - Non-designated Sites
- RE28: Historic Parks and Gardens
- BE11: New Development
- BE14: Wildlife Habitat, Trees, Hedges and Other Landscape Features
- R4: Public Rights of Way and Other Paths
- T1: Accommodation and Facilities
- T3: Provision in Rural Areas
- T4: Provision in Areas of Outstanding Natural Beauty
- T6: Occupancy Periods for Holiday Accommodation

The South Downs National Park Local Plan Submission (2018)

7.2 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan 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. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan (1999) the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies. The relevant policies are:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character

- SD5: Design
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD13: Listed Buildings
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD23: Sustainable Tourism
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems

8. Planning Assessment

8.1 The main considerations to be determined as part of this application are:

- The principle of providing new tourist accommodation;
- The heritage impact of the development on the woodland site, which forms part of the historic parkland associated with the main Cowdray House;
- Design, landscape and visual impact;
- Impact on trees, ecology and woodland habitat;
- Dark night skies;
- Highways, access and Public Rights of Way (PROW);
- Drainage and the water environment.

Principle of development

8.2 The findings of the South Downs National Park Visitor Accommodation Review 2014 indicate that the development of new tourist accommodation of all types is required across the National Park to meet reported peak period shortages. There is an acknowledged shortfall of accommodation along the South Downs Way as highlighted in the South Downs Partnership Management Plan and the South Downs Way Management Plan (2014-2019).

8.3 Paragraph 83 of the NPPF (2018) supports proposals for sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 states that sites to meet local or business needs beyond existing settlements should ensure that development is sensitive to its surroundings exploit opportunities to encourage sustainable access. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

8.4 Saved policies T1 and T3 of the Chichester District Local Plan (1999) support the development of sustainable tourism accommodation outside settlement policy boundaries

that is consistent with other policies in the Local Plan, providing the development does not cause adverse effect on the character and appearance of the surrounding landscape, which is the source of attraction to visitors.

- 8.5 Policy SD23 'Sustainable Tourism' received 43 representations during the Regulation 19 consultation, with some objections mainly in regard to the minimum marketing period; it therefore carries considerable weight. The policy supports proposals that will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities; minimise the need for travel by private car and encourages access by sustainable means; and will not detract from the experience of visitors. Policy SD34 'Sustaining the Local Economy' received 27 representations that did not raise any significant issues, and also carries considerable weight. The policy supports proposals that foster the economic well-being of local communities and promote businesses linked to tourism, which is a key sector for the National Park.
- 8.6 The second purpose of the National Park is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public, and in many cases proposals for tourist accommodation accord with this purpose.
- 8.7 The submitted information states that the scheme would generate approximately £500K per annum in an area described as the 'Heart of the Park' where affordability and employment are issues, and tourism accommodation occupancy is often full.
- 8.8 The South Downs Visitor Review did not identify a lack of tourist accommodation within Midhurst Town, although there is a shortage of accommodation in Petersfield, and there is scope for boutique hotels in Petersfield and Midhurst. However, the proposal could attract visitors to the area as a destination and experience in its own right. Access to the units would be ramped, and the submitted information also states that 10% of all lodges (1 No unit) would be fully accessible, details of which could be secured through condition. The scheme would also provide clear benefits to the rural economy, including links with local businesses such as the Cowdray Farm Shop, and local employment. The scheme would therefore provide clear tourism benefits that align with Purpose 2 in terms of providing high quality, year round accommodation that would improve the rate of overnight stay and could allow visitors to experience some of the special qualities of the National Park.
- 8.9 However, the site itself involves a narrow strip of woodland which is a heritage asset as it forms part of a wider Historic Parkland landscape. Although management of the woodland is essential for its ongoing conservation, development of the site is not considered necessary to secure its optimal viable use, as might be the case for a building. The first Purpose of National Parks, which takes precedence if there is a conflict, is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. National planning policy also requires that 'great weight' be given to conserving landscape and scenic beauty in National Parks and conserve and enhance valued landscapes.
- 8.10 In this instance, whilst the principle of providing tourist accommodation is acceptable, the wider principle of development, and overall acceptability of the scheme, hinges on consideration of the impact of the proposal on the landscape character, historical significance, appearance and amenity of the heritage asset and woodland habitat, and how far these would be conserved and enhanced by the scheme. These matters are considered in more detail below.

Heritage Impact

- 8.11 The woodland site is one of the three main phases identified in the historic development of the registered parkland associated with Cowdray Park, and contributes to the significance of the Grade II listed C19 house and the earlier mansion as part of their historic parkland setting.
- 8.12 Paragraph 193 of the NPPF (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will

lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.13 Saved Policy RE28 'Historic Parks and Gardens' states that any proposals which have a significant detrimental impact on the character or setting of an historic park or garden, as listed in the English Heritage Register of Parks and Gardens of special interest in England, will be refused. Policy SD12 of the Submission South Downs Local Plan (2018) received 29 representations with some concerns raised in regard to enabling development, and carries considerable weight. The policy supports proposals that conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.
- 8.14 As stated at paragraph 8.9 although management of the woodland is essential for the ongoing conservation of the heritage asset, development of the site is not considered necessary to secure its future. The acceptability of the proposal in heritage terms therefore depends on how far the overall impact of development would conserve and enhance the asset, and whether the public benefit from improved access to the site is sufficient to overcome any identified harm.
- 8.15 The submitted information, including the amended Heritage Statement, states that the key value that the woodland contributes to the historic element is the appearance of the belt of woodland on the skyline, which would be unaffected by the proposal. The tree houses would be largely hidden within the woodland, and only partly visible against a backdrop of infrastructure associated with the polo fields to the west. The impact on both the historic landscape and the Grade II listed house is therefore considered to be minor, and offset by the beneficial effects of managing the woodland, which is overgrown with rhododendron having been undermanaged for some years, and reinstatement of the historic rides.
- 8.16 In this instance, Historic England has no objection, and considers that the harm to the historic significance of the site would be "less than substantial" in terms of the NPPF. However the harm must still be minimised and any harm that cannot be avoided must be clearly and convincingly justified, and weighed against the consideration of public good. Historic England acknowledge the ongoing conservation and management of such an asset is challenging and therefore increasing access to it which generates income for its long-term future is acceptable in principle. The reinstatement of the former rides as part of an agreed landscape management plan for the woodland also represents a heritage benefit to be weighed in the planning balance.
- 8.17 The Sussex Gardens Trust objected to the original scheme due to the size, number and 'folksy' typology of tree houses, and the need for management of the woodland to be driven by safety considerations given the close location to forest trees. Following revision of the scheme to reduce the scale of development, remove the access from the A272 and proposed Woodland Management Plan, the Trust acknowledges the improved management of the woodland will provide some offsetting benefits to the impact of development and no longer objects to the proposal, however neither does it support it.
- 8.18 The SDNPA Historic Buildings officer has objected to the proposal. Although the structures would not have significant impacts on the setting of the surrounding heritage assets, the scheme has the potential to significantly impact the woodland which is a historic feature in its own right within the Registered Park. It is considered that insufficient information has been submitted to identify the specific impact that the development would have on trees, particularly in regard to ongoing maintenance and visitor safety (impact on the woodland is considered in more detail at paragraphs 8.25-8.34 below.)
- 8.19 In summary, any development in this location should seek to conserve and enhance the historic significance of the heritage asset, in this case a woodland within a Registered Park. Officers are of the view that given the size and scale of the structures, and the ongoing need to manage the trees in terms of public safety, the full impact of development on the heritage asset is not sufficiently clear, and it has therefore not been demonstrated that there would not be an adverse impact on the heritage asset.

Design, Landscape, and Visual Impact

- 8.20 Saved policy R2 permits the development of new recreational facilities 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. Saved policies T1 and T3 support the development of sustainable tourism accommodation that does not cause adverse effect on the character and appearance of the surrounding landscape, which is the source of attraction to visitors, are appropriate to the character of their location, and do not cause adverse effect on the character and appearance of the surrounding landscape as a result of development, ancillary works or curtilages.
- 8.21 Policy SD4 'Landscape Character' of the Submission South Downs Local Plan (2018) received 40 representations mainly in regard to matters of detail, and protection of strategic gaps, and therefore carries considerable weight. The policy supports development that conserves and enhances the existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape; and safeguards the experiential and amenity qualities of the landscape. Policy SD5 'Design' received 29 representations, also mainly in regard to matters of detail, and also carries significant weight. The policy supports development that demonstrates a landscape-led approach and respects the local character of the area. Proposals should both integrate with, respect and sympathetically complement the landscape character and utilise architectural design which is appropriate and sympathetic to its setting. Policy SD23 'Sustainable Tourism' supports proposals that will not adversely affect the character, historical significance, appearance or amenity of the area.
- 8.22 Several amendments have been made to the proposal to try and overcome the landscape concerns, including the reduction in the scale of the units to be provided and provision of a new car parking area to the west of the site rather than creating a new access from the A27 as originally proposed. The roof height has also been lowered by removing the hipped roof ends and replacing these with a gable end. Further landscape information has also been submitted considering the impact of the proposal in landscape terms, and how the proposal has sought to mitigate this.
- 8.23 The SDNPA Landscape officer has objected to the proposal, the design of which has not been led by landscape evidence, and overall the scheme demonstrates a lack of consideration of the strong character of the designated historic landscape. It is acknowledged that the revised scheme has made efforts to mitigate harm, and the additional landscape work undertaken in response to landscape and arboriculture concerns, offers some improvement by virtue of not accessing the site from the A272. The proposed car park will utilise an existing area of hardstanding and surrounding bund that is in close proximity to the parking area serving the Cowdray Farm Shop, and is not considered to raise significant concerns in terms of landscape impact. However, officers have concerns in regard to the site's capacity to receive this scheme, and that the scale and number of the buildings, associated infrastructure, paraphernalia, and subsequent management needs can be accommodated without a significant negative effect on the woodland's character. The size and scale of the units, and the suburban layout along a central path with accompanying lighting bollards and perimeter fencing, would also impose a new and unrelated suburban character on a complex and sensitive site. The design of the huts is generic in appearance and does not specifically reflect the National Park or the Cowdray Estate. Although some materials, including the cladding and roof shingles would appear to be sourced locally, the type and extent of Cowdray timber that would be used is not clear. The resultant scheme does not reflect or celebrate the strong landscape character of the site, or the Estate, which is a missed opportunity.
- 8.24 In summary, given the site's designation, value and sensitivity, the siting, scale and design of the proposed development is considered to have a significant negative impact on its landscape character. The proposal would represent an over-intensification of the Designed Landscape in a way which is not in-keeping with its character and sensitivity, or with the wider landscape character of the Cowdray Estate.

Impact on Trees, Ecology and Woodland Habitat

- 8.25 Part 15 of the NPPF (2018) draws attention to the duty to protect the natural environment and to the opportunities for its enhancement. Paragraph 170 states that when determining planning applications, local planning authorities should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value in a manner commensurate with their statutory status.
- 8.26 Saved Policy BE14 supports development proposals that minimise impact on features and sites of nature conservation, and take advantage of opportunities for habitat enhancement and creation. Policy SD9 'Biodiversity and Geodiversity' received 41 representations, with objections in regard to the HRA and Ashdown Forest, resulting in changes being made to the policy wording, however it carries some weight. The policy supports proposals that conserve and enhance biodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should retain, protect and enhance features of biodiversity and supporting habitat and ensure appropriate and long-term management of those features. Proposals should also contribute to the restoration and enhancement of existing habitats and seek to eradicate or control any invasive non-native species present on site. Policy SD11 'Trees, Woodland and Hedgerows' received 23 largely supportive representations, and carries considerable weight. The policy supports development that will conserve and enhance trees, hedgerows and woodlands, and the felling of protected trees, groups of trees or woodland will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations.
- 8.27 The submitted information states the layout has been designed to retain all trees within and adjoining the lodge locations. A helical pile method, which has been used successfully elsewhere, will be used to accommodate the structural load of the units, which can be installed in and around existing tree roots. These involve the use of a reinforced concrete pile cap and hand augured ground anchor screws that would be placed under arboricultural supervision. A number of biodiversity enhancements are proposed including owl and other bird boxes, bat boxes, hedgehog hotels, log piles and reptile refugia. The submitted Summary Statement also includes a draft s106 agreement to secure a Landscape, Ecology, and Woodland Management Plan.
- 8.28 The submitted technical information relating to trees includes an Arboricultural Impact Assessment (AIA), amended AIA, Woodland Plan, Arboricultural Addendum, and sample arboricultural method statement for a development at Warwick Castle. Due to the unusual nature of the assessment, the information states that a number of BS 5837 standard details are not included due to the entirety of construction being within RPA and the need for a fluid schedule due to recent tree failures. A tree surgery schedule and method statement would be formalised post planning in conjunction with the woodland management plan, and individual lodge tree protection plans. The information states that no trees would be removed as a result of the proposal, however there would be some hazard pruning works post permission involving selective felling and the forming of several 'monolith' trees. The information also states that the development provides the opportunity to bring an unmanaged woodland into management, removing invasive species and providing new native planting
- 8.29 The Tree Officer has no objection to the proposal subject to conditions securing details of tree protection, schedule of tree works and Woodland Management Plan, as the trees in question are not subject to TPO nor is the site within a Conservation Area.
- 8.30 The County Ecologist has reviewed the submitted information and also has no objection subject to condition. There is some lack of detail in regard to the assessment of impacts, including the habitat surrounding the new car park area. Although the proposal has the potential to enhance biodiversity through appropriate long-term woodland management and enhancement measures, the submitted woodland management plan is insufficiently detailed to determine what works are actually proposed. A Construction Environmental Management Plan and detailed Woodland Management plan should therefore be required via condition to secure the long-term arboricultural, woodland and ecological management of

the site including ecological enhancement measures, should Members be minded to approve.

- 8.31 The SDNPA Woodland and Biodiversity Officer, has objected to the proposal. The size and scale of the development and associated infrastructure and public access will affect most of the woodland site, however despite the significant amount of submitted information there is a lack of detail in regard to the nature and extent of the impact of development on trees. It has therefore not been demonstrated that it is technically possible to construct the proposed tree houses without detrimental impact to the woodland biodiversity and habitat, or that these would be conserved and enhanced as a result of development.
- 8.32 In this instance, weight is given to the Woodland and Biodiversity Officer comments, due to the site being comprised largely of designated woodland, and the need to holistically consider its unique character, habitat and ecosystem. It is acknowledged that the woodland has not been actively managed for some years, and that removal of rhododendron would be a positive ecological intervention and go some way to conserve and enhance the site. However, given the increased public access and year round habitation of the site, management of the woodland, particularly post development, would necessarily be driven by safety considerations which could significantly change the character of the woodland, and impact priority habitat. More typical woodland management practices generally require additional works beyond removal of invasive species, and woodland management plan would generally also include details of any constraints and designations; a risk assessment of potential threats and actions to address these; an outline management strategy; a 5-year detailed plan of operations (thinning/felling and restock) and longer term outline plan. In many instances, this level of detail may be secured through condition, but officer are of the view that given the given the significance of the woodland as a heritage asset, the level of works to provide and maintain the development needs to be understood prior to determination.
- 8.33 It is acknowledged that the applicant has successfully constructed a number of similar schemes in other sensitive locations, including the Knights Village at Warwick Castle and Chewton Glen area of green belt in New Forest District. However, in this instance, given the scale of development proposed, the density of the woodland and its special historical value within the National Park, the precise detail needed prior to determination in order to properly assess the level of required tree works, and therefore impact on the site's character and woodland habitat, has not been provided.
- 8.34 In summary, it is considered that in the absence of sufficiently detailed information in regard to construction methods, tree survey, schedule of works and ongoing management of the woodland, there is potential for significant negative changes to the character to the woodland, both from the development itself, and as a result of the subsequent woodland management that would need to be driven by public safety.

Dark night skies

- 8.35 Policy SD8: Dark Night Skies of the Submission South Downs Local Plan (2018) carries considerable weight. The site falls within zone EI (a), or 'intrinsic rural darkness,' which is classified as 'dark sky' and includes isolated areas that may not be connected to the main core. The amended external lighting plan is considered to be acceptable, and may be secured via condition alongside timed blackout blinds to minimise internal light spill.

Highways, Access and PROW

- 8.36 The Highways Authority has no objection to the proposal subject to a condition to secure cycle parking. The proposal will promote sustainable, non-car modes of transport to gain access to the site, and the access routes from the car park are pedestrian and cycle friendly. The use of buggies will also be provided for visitors with luggage or who are unable to walk this distance.
- 8.37 The proposed car park is 23m x 46m and would accommodate the required level of parking, estimated at 15 spaces. As the spaces will not be marked out it may be necessary to provide a sign to denote an area for disabled use. A sign within the public highway directing visitors

to the car park may also be required. Cycle parking within the development may be secured by condition.

- 8.38 Although the site is accessible from public footpath I 109, the SDNPA Access and Recreation team suggested that to encourage access by non-car modes and promote walking and cycling, footpaths I 104 and I 109 to Cowdray Farm shop and café and the centre of Midhurst could be upgraded to shared-use to allow visitor access for cyclists and wheelchair users. This would require agreement of the landowner and, if the upgrade is to include formal dedication, consultation with WSCC as Highways Authority. As the application is recommended for refusal, this has not been investigated further however the applicant has indicated they would be agreeable to considering upgrading of the footpaths, should Members be minded to approve.

Drainage and the Water Environment

- 8.39 NPPF Paragraph 109 states that the planning system should prevent both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Policy SD17 'Protection of the Water Environment' carries some weight, and supports development within Groundwater Source Protection Zones provided there is no adverse impact on the quality of the groundwater source or risk to its ability to maintain a public water supply.
- 8.40 The Drainage Engineer raises no objection to the application, subject to a condition requiring SuDS details and arrangements for surface water drainage from the roof areas.

9. Conclusion

- 9.1 Although the application would accrue a number of benefits to tourism and the local economy, as well as the public benefit of providing access to the woodland heritage asset, it is considered that the Heritage, Landscape and Woodland and Biodiversity concerns in regard to the potentially significant impact of development on the character of the woodland outweigh the merits of the scheme. The applicant has worked with officers throughout the course of the application to provide further information and amendments to the scheme to attempt to overcome the concerns raised, and there are a number of positive elements to the proposal such as the provision of sensitive external lighting. However in this instance, given the size and scale of the structures; the design's lack of reference to local landscape character; the lack of sufficiently clear detail in regard to construction and level of tree works that will be required; and the ongoing need for management of the woodland in terms of public safety, it is considered that it has not been demonstrated that the development overall would conserve or enhance the landscape, scenic beauty and cultural heritage of this designated site within the National Park. The application is therefore recommended for refusal.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reason:
1. The character of the woodland site, which forms part of a registered historic parkland, would be negatively impacted by virtue of the size and scale of the proposed tree houses. The design's lack of reference to local landscape character and minimal use of local, estate-sourced materials would not conserve or enhance the character of the historic parkland setting or wider Cowdray Estate. The public benefit that would be derived from the development, and wider tourism and economic benefits, are not considered to be so significant as to outweigh the identified harm to the heritage asset. The proposal is therefore contrary to saved policies RE28, R2, T1 and T3 of the Chichester District Local Plan (1999), policies SD4, SD5, SD12 and SD23 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).
 2. Insufficient detail has been provided in regard to tree protection and the level of tree works that would be required to be certain that the character of the woodland, and woodland habitat and biodiversity would not be negatively impacted by the development or ongoing management of the woodland, given the overarching need for

public safety. The proposal has not demonstrated that the development would conserve and enhance the site's woodland character, biodiversity or priority habitat. The proposal is therefore contrary to saved policy BE14 of the Chichester District Local Plan (1999), policies SD9 and SD11 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).

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.

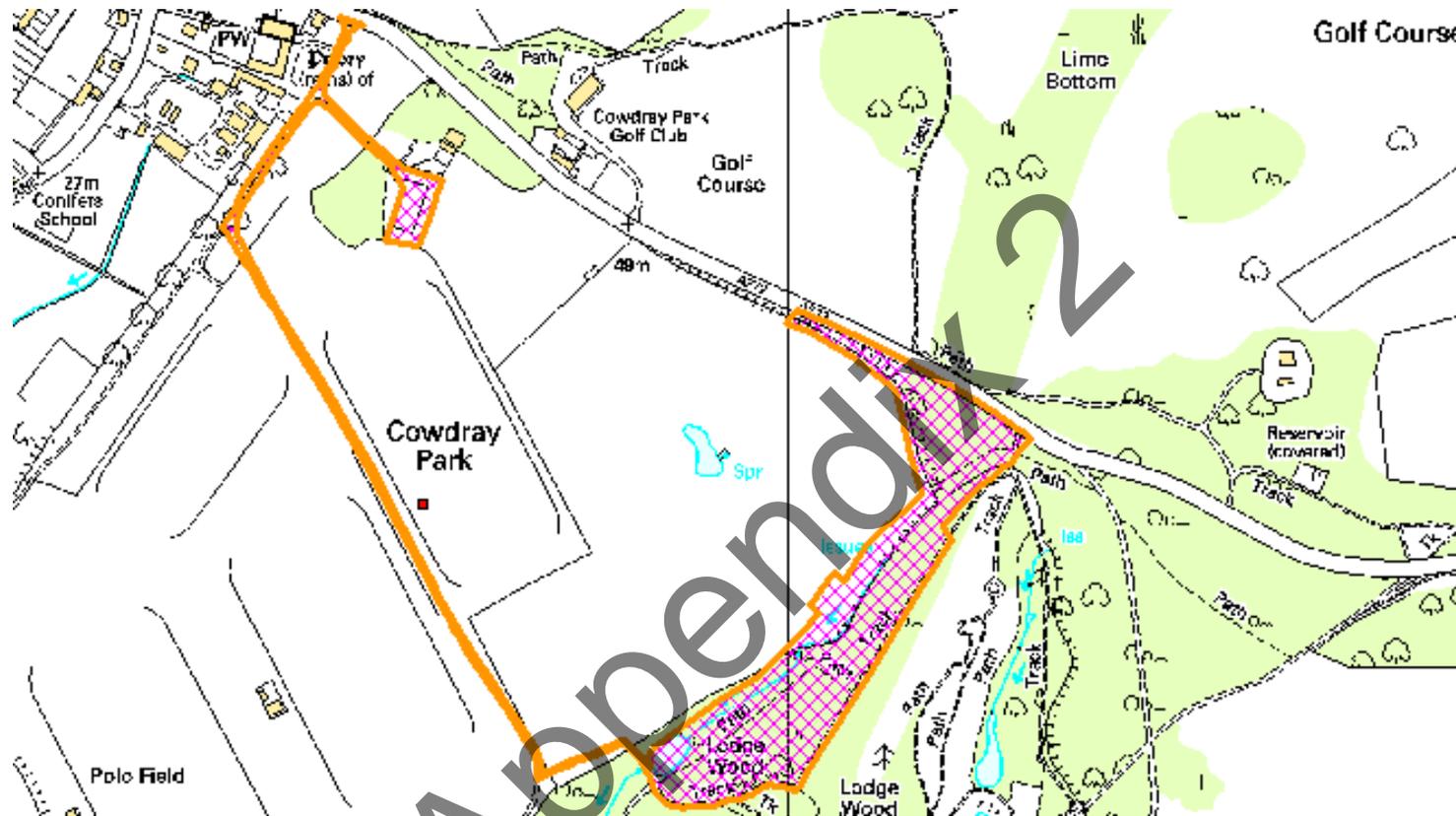
TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices I. Site Location Map
SDNPA Consultees Legal Services, Development Manager.
Background [All planning application plans, supporting documents, consultation and third party responses](#)
Documents [National Planning Policy Framework \(2018\)](#)
[Chichester District Local Plan \(1999\)](#)
[Submission South Downs Draft Local Plan \(2018\)](#)
[South Downs National Park Partnership Management Plan 2013](#)
[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)

Site Location Map



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