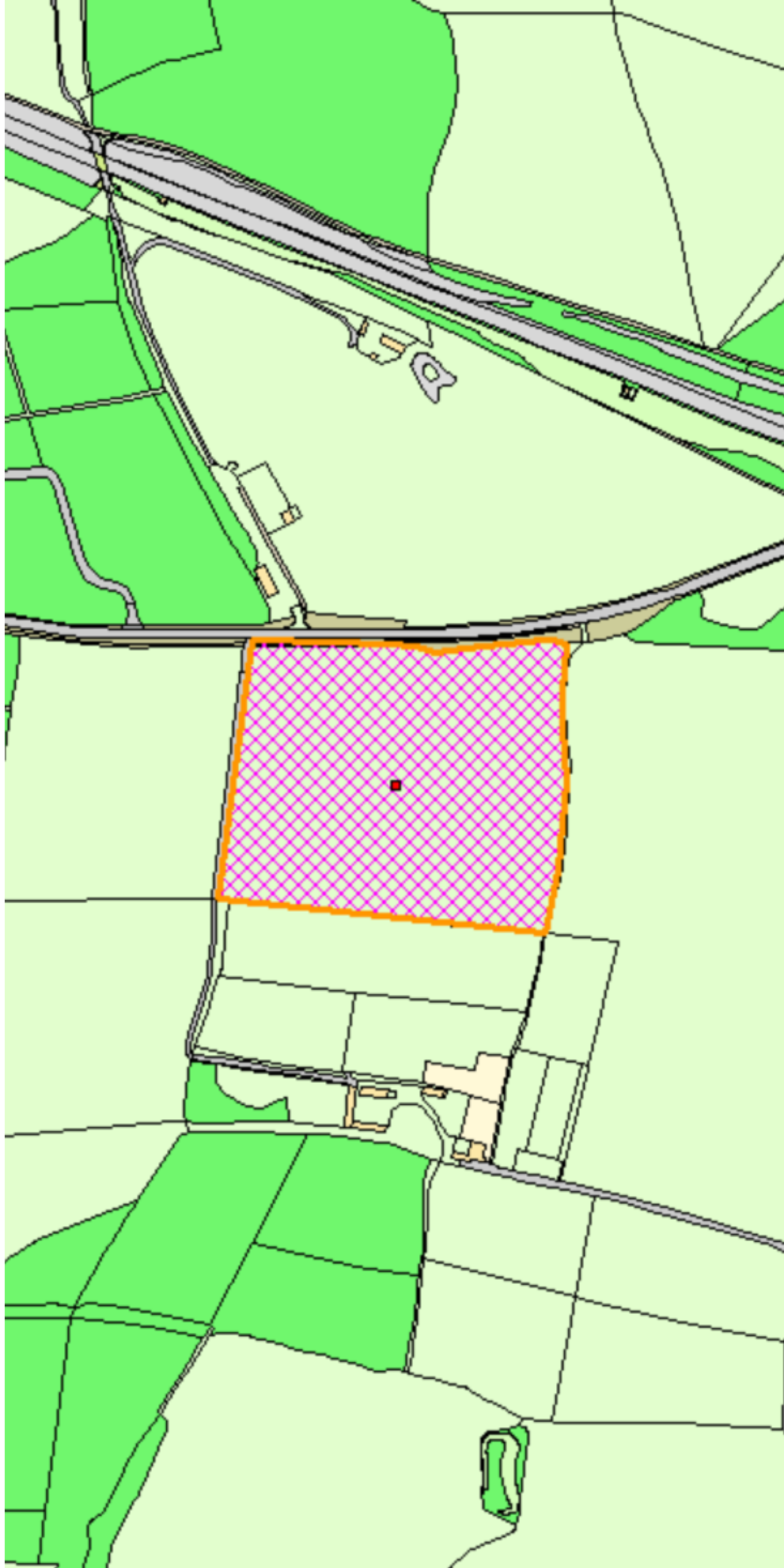


Report to	Planning Committee
Date	10 February 2022
By	Director of Planning
Local Authority	Mid Sussex Council
Application Number	SDNP/20/04255/FUL
Applicant	Miss M Golds
Application	Change of use from field to recreational area for exercising dogs, including parking area and construction of fencing and gates (retrospective)
Address	Field Opposite Clayton Wood Burial Ground, Brighton Road, Hassocks, West Sussex BN6 9PD

Recommendation:

That planning permission be refused for the reasons set out in paragraph 10.1 of this report

Site Location Map



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Executive Summary

Key Matters

- The applicant is retrospectively seeking planning permission for a change of use of agricultural land to a dog walking facility, with constructed deer fencing with black and green plastic mesh and formal parking arrangements.
 - It is considered that the application as submitted cannot provide safe and suitable access for all users and for associated highway safety.
 - The proposals constitute a form of uncharacteristic development in this countryside location, which have visually intrusive and adverse impact upon the intrinsic value, tranquillity and verdant character of the surrounding agrarian landscape.
 - The site has the potential for protected species, specifically reptiles and great crested newts. As the works have already been carried out it is unknown if the applicant is in breach of the relevant wildlife legislation. The proposal does not provide ecological and biodiversity enhancements to compensate for the potential loss of protected species. The creation of an appropriate biodiversity enhancement plan created by a qualified ecologist secured by condition, would enable further understanding of the importance of the site and appropriate measures to ensure biodiversity net gain, were members minded to approve the application
- The application is before Members on the basis of the level of interest, whereby a significant amount of support for the proposals is contrary to the recommendation to refuse the application.

1. Site Description

- 1.1 The dog walking facilities are located a short distance northwest of Clayton and south of Hassocks. When traveling north on Brighton Road (A273) the access to the site is on the west, where there is a break in the mature hedgerow to allow access into the fields.
- 1.2 The site was originally an agricultural field (its current lawful use), with other fields present to the north, west, south and further afield. Clayton Wood Natural Burial Ground lies east across Brighton Road from the site. There are also areas of Ancient Woodland located north, west, northeast and east of the site.
- 1.3 Wolstonbury Hill SSSI lies approximately 800m southwest of the site, and Clayton to Offham Escarpment SSSI approximately 790m to the southeast.
- 1.4 There are two rights of way in close proximity to the site. Footpath FPI 2c runs along the southern boundary of the site where mature hedge screens the majority of the site from this path. Footpath FPI 3c runs along on the northern edge of the site and is accessed via the main access to the site off Brighton Road. This path runs next to the fencing proposed, with no boundary treatments screening the views into the site from this right of way.

2. Relevant Planning History

- 2.1 No relevant planning history relating to the site.

3. Proposal

- 3.1 The proposal is a retrospective application for change of use from an agricultural field to a recreational area for exercising dogs. An associated parking area, new deer fencing and gates are also proposed and are already in place.
- 3.2 The deer fencing measures 6ft, with green and black plastic mesh between the fence posts. The applicant states the fencing height is required so that dogs do not jump over them. The fencing surrounds the whole site, with additional fencing dividing field A and B. There are high metal gates at the entrances of both fields and the parking areas.
- 3.3 There are two fields, field A, the larger field aimed at general exercise and 1-2-1 training operating between 07:00- 20:30 hours, and field B, the smaller field used for training, operating between 09:30-20:30 hours. There is a 10 minute gap between each session to allow change over between users.

- 3.4 The applicant does not expect more than maximum 16-20 users a day, however with the booking slots there is the potential for up to 37 users a day. The booking slots can last from 30-60mins.
- 3.5 A small three sided structure has been erected on the south side of field A, it has no flooring and is stated to be moveable and temporary. It consequently is not included in the application. There are several small structures for agility work located near the northern end of the site
- 3.6 There are two areas for car parking, near the entrance of field A and along the northern boundary of the site. The total number of parking spaces on site is 10. The car spaces would have mud control mats or grass reinforcement, the bays marked out by chalk markers.
- 3.7 Additional planting is proposed on site in the form of tree planting in the main fields, additional hedgerows in replacement of fencing between field A and B, and wildflower planting.

4. Consultations

4.1 Landscape Officer. Objection.

- Concerns about the change in character of the site, and the visual impacts of this change:
- The proposal will lead to the intensification of use that doesn't relate to agricultural context;
- Will lead to the parcelling up of land by the introduction of hedging and fencing that would create long term negatively alterations to the field pattern;
- The field is a surviving historic field, which is an important contributor to the landscape in terms of pattern and boundaries;
- There is no clear long-term management for the hedgerow, grassland and gap between the fencing and existing hedgerow;
- The proposed planting of flowers is not characteristic and would lead to a domestication of the rural character;
- The introduction of trees would remove the site from its long history in agricultural use and subsequent character that it contributes to.

4.2 Ecology. No objection, objection to condition.

- The landscape appraisal photos indicated the site had potential for protected species such as reptiles and great crested newts.
- It is unknown if the works carried out have resulted in a breach of relevant wildlife legislation.
- There are numerous records of reptiles within the field immediately south of the site. There are a number of blocks of Ancient Woodland located to the north, west, northeast and east of the site.
- The use of wildflower 'seed bombs' and planting are inadequate compensation for the potential impact on protected species. To ensure the car park is located at least 15m from Bonnys Wood Ancient Woodland, native shrub planting in the north-eastern corner is required.
- As the works have already been carried out, not much would be achieved by requesting a Preliminary Ecological Appraisal. If planning permission was to be granted a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted and agreed in writing by the LPA, this document should be made by a qualified ecologist.

4.3 **West Sussex Highways. Objection.**

- The field is not expected to generate more than 16-20 two-way trips a day, and 3 group sessions a week with no more than 5/6 dogs. Based on this information, a Stage 1 Road Safety Audit or formalised transport assessment is required. This has not been supplied by the applicant.
- The site was previously agricultural serving ad hoc agricultural movements; as such, the proposal would materially intensify the use of the site access. Therefore, visibility and geometry should be assessed.
- The level of trips generated is not anticipated to result in any capacity concerns on the wider highway network.
- On site, no concerns were observed with visibility in the primary direction. However, it was observed that splays in the trailing direction (to the north) are restricted due to the vertical alignment of the carriage and the crest of a hill.
- The stopping distance on the 50mph road would need to be 160m, in this case approaching vehicles could only be seen circa 110m from the site access point.
- If achievable splays in the trailing direction, taking into consideration the vertical alignment of the carriageway, are less than 160m the applicant will require the support of a 7-day automated speed survey. To date, this has not been present, and until such time the LHA is not in a position to recommend that safe and suitable access to the site is achievable.

4.4 There are discrepancies in the parking arrangements, the planning application states that there are 9 spaces, but the transport assessment states 1

4.5 **Hassocks Parish Council - Objection.**

- The proposal is located in an inappropriate location and not fully justified;
- Concern that the users are traveling from outside of the local area to get to the facilities;
- It is a car dominated scheme, with no promotion of sustainable transport;
- The scheme negatively affects the views of the surrounding area, particularly the surrounding views from the public rights of ways

4.6 **Environmental Health (County Council), general comment received.**

- When determining the application the case officer should consider the noise impact from barking dogs on residential amenity. Aspects to consider are proximity to neighbouring residential land, hours of use and noise management controls.

4.7 **Public Rights of way (County Council), general comment received.**

- The Public Right of Way Team made a general comment on the application. The comments state that the public footpaths FP13c and FP12c cannot be blocked or restricted without a lawful path closure. No disturbance of the path surfaces during works and the path will be repaired if damaged occur.

5. **Representations**

Objections and Support

5.1 Five objections, 63 letters of support and one general comment have been received. These representations raise the following comments:

Objections

Principle

- Lack of justification for the need
- Unclear how scheme would contribute to the special qualities or meet Purpose 1;

Design and Landscape Impacts

- Will be visually harmful to the landscape character of the area, remove the historic agricultural context of the site;
- Will impact on the openness and overall appearance of the National Park;
- Will negatively affect the public right of way users;
- Addition of paraphernalia that is harmful to the landscape and eroding its historic context.

Amenity, Noise and Disturbance Impacts

- Will create unacceptable levels of noise, particularly impact on the users of Clayton Wood Burial Ground;
- Impact negatively on the local residents, mainly noise and disturbance.

Traffic and Access

- Will increase traffic;
- Will create a car dominated scheme will no opportunities for sustainable transport;
- Parking will appear inappropriate within the rural character of the agrarian field;
- The access will have implications of road safety and is not safe and suitable.

The letters of support raised the following comments:

- The facilities will provide safe and secure areas for dog walking and dog training;
- The business will positively contribute to the local community;
- There will be improvements in livestock safety from these facilities;
- There will not be any impact on the landscape or views. The fencing is low key, discreet and uses sympathetic materials, so will not be highly visible;
- The facilities will not negatively impact on the right of way users;
- The access is existing and the scheme would not create any additional traffic or impact negatively on road safety;
- It is a good use of green space;
- There is similar fencing use across the park, this type of fencing should be allowed in this location;
- The planting on site is appropriate and increases wildlife corridors and biodiversity;
- There will be no increase in noise generated from the site.

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 South Downs Local Plan (2014-33) and Hassocks Neighbourhood Plan (2020). 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, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the

area comprised in a National Park, whereby 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 (2021) is considered holistically although the following sections are of particular relevance to the applications:
- Section 2: Achieving sustainable development
 - Section 9: Promoting sustainable communities
 - Section 12: Achieving well-designed places
 - Section 15: Conserving and enhancing the natural 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) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 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. Any development within their setting should also be sensitively designed to avoid or minimise adverse impacts on the designated area.

Major Development

- 6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 177 of the NPPF, and accompanying footnote 60, 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.
- 6.6 In this case, the proposal is for a new recreational dog walking use and associated infrastructure and officers are of the view that, given the scale and nature of what is proposed, the impacts on the designation as a result of development would not be so significant as to be deemed major development.

The South Downs National Park Partnership Management Plan 2020-25

- 6.7 The South Downs National Park Partnership Management Plan (SDPMP) (2020-25) 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. Policies 1, 3, 4, and 5 are relevant.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 6.8 The scale, use and design and environmental consideration associated with the site and proposal are not EIA development within the meaning of the relevant 2017 legislation

7. Planning Policy

The Hassocks Neighbourhood Development Plan (NDP) (2020)

- 7.1 Whilst the NDP must be read as a whole, the following policies below are particularly relevant. The Hassocks NDP has been adopted by the SDNPA and forms part of the Development Plan. Whilst the plan does not contain any development policies specifically relating to the provision of new dog walking facilities, it states development proposal must have regard to the purposes and duty of the Park Authority; and conserve and enhance the

landscape character, scenic beauty, wildlife and cultural heritage of the Park. Relevant policies include:

- Policy 6 Development Proposals Affecting the South Downs National Park
The South Downs Local Plan (SDLP) (2014-33)

7.2 Whilst the SDLP must be read as a whole, the following policies are particularly relevant:

- SD2 Ecosystem Services
- SD4 Landscape Character
- SD5 Design
- SD7 Relative Tranquillity
- SD8 Dark Night Skies
- SD9 Biodiversity and Geodiversity
- SD19 Transport and Accessibility
- SD25 Development Strategy
- SD54 Pollution and Air Quality

Supplementary Planning Documents and Technical Advice Notes

7.3 The following are considered to be relevant:

- Dark Night Skies Technical Advice Note (May 2021)
- Ecosystems Services Technical Advice Note 2019.
- Adopted Parking for Residential and Non-Residential Development SPD.

8. Planning Assessment

8.1 The main considerations to be determined in the consideration of this application are:

- The principle of a new dog walking facility use;
- Design and landscape impacts;
- Highways and access;
- Biodiversity and ecosystem services;
- Dark skies impact;
- Noise, tranquillity and amenity impacts;

Principle of development

8.2 Policy SD25 of the SDLP is predominantly relevant to establishing the principle of development. It exceptionally supports development outside settlement boundaries where it complies with relevant policies in the Local Plan, responds to the context of the relevant broad area. In addition, it is necessary for the development to accord with one of the following;

- a. It is allocated for development or safeguarded for the use proposed as part of the development plan; or
- b. There is an essential need for a countryside location; or
- c. In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- d. It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.

- 8.3 It is clear that dog walking facilities can provide many benefits, especially in reducing the risks highlighted in the Authority's "Take The Lead" campaign. In many ways, it could be argued that the use is more akin to a need for a countryside location, however it is questionable as to whether it would be considered to be an "essential" need for a countryside location. Therefore, on balance it is considered that the proposals do not accord with any of the circumstances outlined above,
- 8.4 Paragraph 7.10 of the SDLP explains that exceptions to the development strategy (SD25) are set in the Local Plan that allow development outwith settlement boundaries. However, in this case no other planning policies would deem the development acceptable in principle and warrant development in the open countryside. As also explained below, there are significant concerns in relation to highways safety and landscape impact that make the site unacceptable for the proposed use.
- 8.5 Therefore, the proposal does not accord with SD25 of the SDLP, nor does it conserve and enhance the special qualities of the National Park, therefore, there are in principle concerns with the application.

Design and Landscape Impacts

- 8.6 Policies SD4 and SD5 require development proposals to conserve and enhance the existing landscape character features, and make a positive contribution to the overall character and appearance of the area. Policy SD6 supports proposals that preserve the visual integrity, identity and scenic quality of the National Park, including views from public rights of ways. Policy 6 of the Hassocks NP pertains to applications with the SDNP, ensuring they have regard to the purposes and duty of the Park Authority; and conserve and enhance the landscape character, scenic beauty, wildlife and cultural heritage of the Park. Together, these policies, as well as National Park First Purpose and the NPPF, outline that considerations regarding landscape impact are paramount.
- 8.7 The site was previously an agricultural use before the fencing was erected and the dog walking had introduced a material change of use. The fencing has led to the site visually changing from one open agricultural field to an area that is becoming parcelled by fencing, which is not characteristic within this area or previous land use. The development has not been integrated with respect nor does it sympathetically complement the landscape character. The proposal has introduced development and visual clutter, which has degraded the rural open character of the agricultural land. The Landscape Officer is concerned with the parking and fencing, stating it has led to the intensification of the use that does not relate to its context. They also highlight that the field is a surviving historic field, which makes its pattern and boundaries important to the local landscape character. The fencing introduces new and uncharacteristic boundaries, field separation, parking and other visual clutter has negatively changes the character of the site.
- 8.8 The site is visible from wider views at Jack and Jill Windmill and the South Downs Way to the southeast and Wolstonbury Hill to the southwest. More immediately, there are two rights of ways FPI3c to the north and FPI2c to the south of the site. There is a mature hedgerow bounding the east side of the site, however there is a gap in hedging to allow access to the field, which allows the site to be visible from Brighton Road. FPI2c runs outside of the boundaries of the site, with a large mature hedgerow screening most views into the site. However, there are some large gaps in hedging most notably near at the start of the right of the way off Brighton Road, which affords views into the whole site. FPI3c shares access with the dog walking facility, the right of way runs along the northern edge of the site with no boundary treatments screening views. The footpath follows the fencing along the north of the site, with views to the parking area and the other additional temporary structures. The paraphernalia and parking associated with this development is apparent from public views and can clearly be seen to negatively affect the landscape character of the site, the wider landscape, and the experience and amenity of the right of way users. This is not in accordance with policies SD4, SD5 and SD6 which seek to ensure development does not harm views and does not detract from the special qualities of the National Park.

- 8.9 The application document states that there will be approximately 10-15 cars per day, and the potential for group sessions 4-5 times a week held in small groups, the maximum number of participants is not confirmed. The site previously of agricultural use would see ad hoc agricultural movements into the site, whereas the proposal would bring additional cars, beyond the capacity and frequency that would be expected from the agricultural nature of the site. The cars already park near the site entrance, along the northern side of the site near the footpath. Parked cars would be visible from both the wider views into the site and the immediate view from the road and rights of way. This would be uncharacteristic of an agricultural site and negatively affect the character of the area and the experience of the right of way users.
- 8.10 To help limit views into the site, and mitigate the development's impact on the wider landscape the applicant proposes additional planting. The planting includes; 10- 15 trees within the fields, hedging between the field A and B and along the northern edge of field B between the footpath and field, and wildflower planting on the eastern edge and adjacent to the northern footpath. No further details have been provided on the long-term management of these features, or the species proposed. The Landscape Officer has raised concerns with the proposed planting. The planting is not characteristic of the prevailing landscape character and would lead to an over urbanisation of the character and appearance of this rural character. The addition of trees would remove the site from its long-term history as an agricultural use and subsequent character that it contributes to and would appear artificial in the landscape given it has been designed around the proposals. Paragraph 5.13 of the SDLP highlights that good design should avoid the need for screening which could appear incongruous in the landscape. In this instance, the proposed screening would not be acceptable and would led to permanent erosion of the historic field pattern.
- 8.11 In summary, the change of use and consequent operational development would harm the character and appearance of the rural landscape. Consequently, the proposal is contrary to policies SD4, SD5 and SD6 of the SDLP, policy 6 of the Hassocks NP, the NPPF and the first purpose of the National Park.

Highways, Access and Visibility

- 8.12 The submitted Transport Assessment and the applicant's response to the Highway Authority's consultee comments states the fields can be booked for 30 minutes or an hour, with a 10-minute gap between the sessions; this means if fully booked the maximum bookings in one day would be 37. However, the applicant does not expect the sessions to be fully booked, and no more that 16-20 two-way trips per day. In addition to this, the applicant would run three group sessions across the week which would be up to 5/6 dogs. Whilst being located near to Clayton and Hassocks, it is likely the vast majority of customers arrive by car. The proposed scheme is very car dependant and does not minimise the need to travel, or promote the use of sustainable means of transport. It is therefore not considered to be in a sustainable location.
- 8.13 The applicant has not detailed the existing levels of vehicular trips that are generated.. Nevertheless, the existing use of the site was agricultural and it would not be unreasonable to conclude that the access point does not serve anything more than ad hoc agricultural movements. As such, it is considered that a material intensification of use is occurring at the site access because of this proposal. Therefore, the geometry and visibility of the access point should be assessed.
- 8.14 Based on the trips proposed and the increase of cars into the site, a Stage I Road Safety Audit or additional technical documentation such as a formalised Transport Assessment is required. The Highways Authority are concerned with the lack of detail to the Transport Assessment, and it does not provide a satisfactory level of information.
- 8.15 Regarding highways safety, Brighton Road (A237) is an A classified road subject to a 50mph speed limit, and as such the Design Manual for Roads and Bridges (DMRB) standards are those which the access should be assessed against. On a 50mph road the stopping distance required is 160m, however approaching vehicles from the north could only be seen at circa

110m from the site access point. Therefore, it cannot be concluded that this is a safe and suitable access.

- 8.16 The applicant is required to demonstrate the maximum achievable visibility in the trailing direction based on the Highway Authority's response. The DMRB requires splays be measured from 1.05m which represents the drivers eye height. The extent of the splays would terminate at the furthest point within the horizontal splay between which a height 0.26m and 2.0 measured from the road surface can be seen. If the visibility splays in the trailing direction, taking into consideration the vertical alignment of the carriage way, are less than 160m they will require the support of a 7 day automated speed survey. Until this information has been provided the LHA cannot recommend that safe and suitable access to the site is achievable given that the required visibility falls well short of the required 160m distance and the hill crest. A reason for refusal is, therefore, recommended. In addition it has not been fully demonstrated whether cars can leave in a forward gear and this being the case, reversing into the main highway would be unacceptable.
- 8.17 There have been some discrepancies concerning parking arrangements, with the application form stating 9 spaces and the transport assessment stating 10 spaces. The applicant's response to the Highway Authority's comments confirms there are 10 spaces in total, with 3 provided in field A and 7 in field B. When group sessions of 5/6 dogs are being run, the second field will not be available to hire. There is sufficient parking provided on site, however, as stated above parked vehicles would have detrimental impact on the landscape character of the area.
- 8.18 It is therefore considered on the limited information submitted, that the proposal does not provide adequate visibility at the site access to provide safe and suitable access for users of the facility and for users of the highway.. The proposal is in conflict with paragraph 110 (b) of the NPPF and policy SD19 of the SDLP. A reason for refusal is therefore recommended.

Biodiversity and Ecosystem Services

- 8.19 Policies SD2 and SD9 of the SDLP support proposals that conserve and enhance biodiversity; retain, protect and enhance features of biodiversity and supporting habitat, and identify the incorporate net gains for biodiversity.
- 8.20 The County Ecologist has indicated that the site has potential for protected species such as reptiles and great crested newts. The application has not been supported by any ecological survey. It is therefore unknown if the works carried out have resulted in the breach of the relevant wildlife legislation (e.g. Wildlife and Countryside Act 1981). If it is deemed that breach has occurred this would be a criminal offence and investigated by the appropriate authority.
- 8.21 The field immediately to the south of the site has numerous records of reptiles. There are also a number of blocks of Ancient Woodland located to the north, west, northeast and east of the site, most notably and closest is Bonny's Wood. The County Ecologist has also stated that native shrub planting in the north-eastern corner of the site is required to ensure that the car parking area is a least 15m away from Bonny's Ancient Woodland.
- 8.22 To increase biodiversity on site and to screen the development from wider views the proposal seeks the addition of wildflower seed, sunflowers and bluebells, along with additional trees and hedging planting on site. However, this is not adequate to compensate for the potential impact on protected species, nor to satisfy the requirements of SD2 and SD9. The proposed planting is not appropriate for the locality, and not enough to compensate for the potential loss. The impact could be managed through condition, and therefore this does not form a reason for refusal.
- 8.23 In summary, the proposal currently does not conserve and enhance the biodiversity on site and result in biodiversity net gain, and does not overall have a positive impact on the ability of the natural environment to contribute to goods and services. With an appropriately worded condition securing a detailed scheme of biodiversity enhancements, it is likely the proposal would accord with the requirements of SD2 and SD9 of the SDLP.

Dark Night Skies

- 8.24 Policy SD8 of the SDLP states that development proposals should conserve and enhance the intrinsic quality of the dark night skies and the integrity of the Dark Sky Core by demonstrating that all opportunities to reduce light pollution have been taken and ensuring the measured and observed sky quality in the surrounding area is not affected.
- 8.25 The site lies within a transition zone outside of the dark night skies core area and is vulnerable to light pollution.
- 8.26 The application seeks the addition of low light LED motion sensors at the gates, they are solar powered and would remain lit for 30 seconds. No other permanent lighting has been erected or would be deemed acceptable onsite. The proposed lighting does not negatively impact the quality of the dark skies or the EI (b) zone, and is deemed in accordance with the requirements of SD8 of the SDLP.

Noise, Tranquillity and Neighbour Amenities

- 8.27 Policies SD5(k), SD7, and SD54 require proposals to conserve and enhance relative tranquillity and avoid unacceptable levels of noise pollution that would have a significant negative effect on people and the natural environment, taking into account cumulative impacts and any mitigation.
- 8.28 Concerns have been raised with regard to noise and disturbance from cars and dogs on the amenity of local residents and the users of the Clayton Wood Natural Burial Ground.
- 8.29 The closest group of dwellings are located approximately 100m to the west of the boundary of the boundary of the proposed site, with the Burial Ground only approximately 30m east of the site boundary.
- 8.30 The application is supported with a Noise Assessment prepared by the applicant. The Assessment states that in the terms and conditions for the use of the field there is a clause to keep noise down to a minimum by dogs and people. If any users make excessive noise, this would lead to a ban from future use. The applicant is not present on the site all day and every day, and there is no evidence to explain how noise would be controlled and monitored. It can only be assumed that if a complaint is raised, would excessive noise be investigated.
- 8.31 Given the relative distance between the closest groups of dwellings the development would not raise any concerns regarding noise and disturbance. However, there are concerns with the potential noise and disturbance impacts on Clayton Wood Burial Ground.
- 8.32 Clayton Wood Burial Ground is located across the road from the dog walking site, the burial ground is a tranquil environment where people pay respect and hold services. The terms and conditions of the booking attempts to control noise, this measure is not enough in planning terms to mitigate the potential impacts of noise and disturbance on the amenity of the users of the Burial Ground. Therefore, without further measures and mitigation, the proposal would likely have unacceptable impact on amenity in terms of noise and disturbance, these issues could be addressed through a condition.
- 8.33 In summary, the proposal has the potential to create noise that negatively impacts on the relative tranquillity of the area, and have significant harmful impacts on the people and natural environment. If an appropriate noise management plan was conditioned, it is likely the proposal could accord with SD5(k), SD7 and SD54 of the SDLP.

9. Conclusion

- 9.1 In conclusion, the proposed development is not acceptable in principle. It introduces an unacceptable change of use that unduly urbanises the site and operational development which is harmful to the prevailing rural agricultural character of the area, is not landscape led development, and detrimentally harms the amenities (visual and experiential) of rights of way users. The proposal does not provide appropriate measures and mitigations to control potential noise on site, which will detrimentally harm the relative tranquillity of the area, and negatively impact on the people and natural environment.

- 9.2 Insufficient information to demonstrate suitable visibility of the site access has been provided, and it cannot be concluded that the application will provide safe and suitable access.
- 9.3 Overall, the development would be in conflict with SDLP and NDP policies cited and the first purpose of the National Park.
- 9.4 The application is therefore recommended for refusal.

10. Reason for Recommendation and Conditions

- 10.1 Planning permission is recommended to be refused for the following reasons:
- 1) On the basis of the limited information submitted, it is considered that the proposal does not provide adequate visibility at the site access to provide safe and suitable access for users of the facility and for users of the highway and would have a severe impact upon highway safety. The proposals are therefore contrary to policy SD19 of the South Downs Local Plan 2019, and paragraph 111 of the NPPF 2021.
 - 2) By virtue of its nature and siting, the proposed change of use of the land and associated infrastructure, particularly the parking and fencing, would constitute a form of uncharacteristic development in this countryside location of Hassocks, which would have a visually intrusive and adverse impact upon the intrinsic value, tranquillity and verdant character of the surrounding agrarian landscape. No reasonable justification for the change of use in the location proposed has been provided and as such, the proposal would represent un-justified harm to the surrounding landscape character and, therefore, be contrary to policies SD4, SD5, SD6, SD7 and SD25 of the South Downs Local Plan, Policy 6 of the Hassocks Neighbourhood Plan (2020), the overarching principles of the NPPF 2021 and the first purpose of the National Park.

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 sought to work in a proactive way, in line with the NPPF. However, the application is not in accordance with the local plan and it is not considered that amendments can be made with the scope of the application description that would make the scheme acceptable in terms of compliance with local plan policies.

TIM SLANEY
Director of Planning
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Background Documents: [All planning application plans, supporting documents, consultation and third party responses](#)
[National Planning Policy Framework \(2021\)](#)
[South Downs Local Plan \(2014-33\)](#)
[South Downs National Park Partnership Management Plan 2020-25](#)
[South Downs Integrated Landscape Character Assessment 2020](#)
[SDNPA Dark Night Skies Technical Advice Note \(May 2021\)](#)
[Hassocks Neighbourhood Plan \(2020\)](#)