

**Agenda Item 7**  
**Report PC22/23-35**

Report to	<b>Planning Committee</b>
Date	<b>8 June 2023</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/22/05605/FUL</b>
Applicant	<b>Mr Paddy Cox</b>
Application	<b>The continued use of land for forestry and woodland management, and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities. The continued use of land at Rogate for the Elfwoods Community as set out in Planning Appeal APP/Y9507/W/17/3194790, seeking permanent permission to continue its community benefit programmes.</b>
Address	<b>Laundry Cottage, Dangstein Road, Rogate, West Sussex, GU31 5BZ</b>

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**Recommendation:**

**1) That planning permission be granted subject to:**

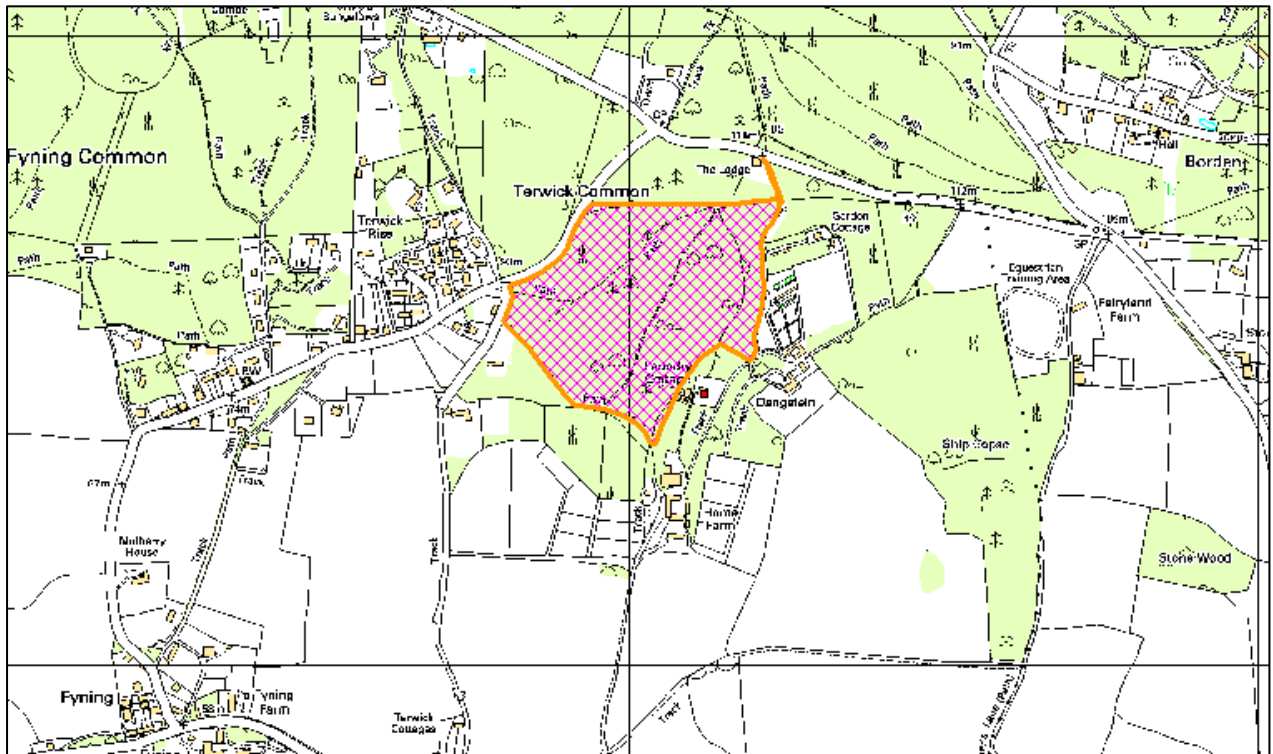
**i) the completion of a satisfactory water neutrality assessment and appropriate mitigation measures the consideration of which is delegated to the Director of Planning, as necessary.**

**ii) The conditions as set out in paragraph 9.2 of this report.**

**2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if within 6 months of the 8 June 2023 Planning Committee meeting the water neutrality measures have not been satisfactorily demonstrated to be feasible.**

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## Site Location Map



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## Executive Summary

The proposed activities and structures were previously allowed for a temporary period of 3 years by Planning Inspector, following refusal of the application by Planning Committee in 2017. At that time, the concerns were regarding impacts to tranquillity and landscape. The 3 year period has now expired and the current application is for the permanent use. Of the structures allowed, only the car park was constructed during the allowed 3 year period.

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

The application is recommended to be delegated to the Director of Planning, for permanent planning permission subject to water neutrality issues being resolved. Having considered the level of activity on the site over the last 3 years and that no substantiated concerns have been raised either with SNDPA or Chichester District Council Enforcement Teams nor with CDC Environmental Health, it is considered that the conditions previously imposed by Planning Inspector have been effective.

The above recommendation is subject to the proviso that, as the site is situated within the Sussex North Water Supply Zone, the matter of water neutrality is resolved to the satisfaction of officers. Consideration of this matter is proposed to be delegated to the Director of Planning.

The application is placed before Members due to the consideration of a previous application and appeal at the site together with significant third party representations.

## I. Site Description

- I.1 The site is approximately 1.5km north east of Rogate and 1km north of the A272. It is approximately an 11ha site and comprises of late 20th Century woodland, much of which is plantation trees, an area of semi-natural ancient woodland on its eastern side and heathland in approximately the centre of the site. It is on a south facing hillside where the land slopes southwards through the site and it is in an elevated location with some distant views towards Harting Down. The site is not particularly discernible in the landscape from Harting Down. At the southern edge of the site is a dwelling called Laundry Cottages which is occupied by the Applicant.
- I.2 The site was originally part of the Dangstein Estate, previously owned by the National Trust which sold it in individual lots circa 10 years ago. Removal and thinning of the woodland has since taken place alongside the management of its understorey and new heathland has been created in the central area of the site where it was previously conifer plantation. Internally the site includes a composting toilet, wood stores, some areas laid out for camping and a low key play area. The site has also been used for non-forestry activities by a field archery club and for some of the activities proposed in the application. The site is used for some commercial forestry and there is a timber yard in the western part of the site where felled trees are processed.
- I.3 There are two accesses into the site; the access from Fyning Lane at the south west of the site is used in relation to the lawful forestry use of the land and to access the timber yard (SDNP/20/02626/FUL); the access from Dangstein Road at the north of the site provides access to Laundry Cottage and by visitors to the site. This is at the north eastern part of the site and has a wide tarmac bell mouth junction with an electronic timber gate. Adjacent to it is a dwelling called The Lodge. The access beyond the gate is tarmac for approximately 45m, at which point there is an electric gate signposted for Garden Cottage, and a turning into the application site with a rustic signpost for 'Elfwoods'. The Applicant has a right of access but does not own the access. Within the site, a track and car parking area have been constructed of impacted soil.
- I.4 The nearest listed building, Grade II listed Dangstein Farmhouse, is approximately 150m to the south of the site boundary and 250m of the main area proposed for development. Rindle Wood Site of Importance for Nature Conservation (SINC) located north of Dangstein Road is the closest site designated for nature conservation interest. The whole of the site makes up part of an area Tree Preservation Order, extending from Fyning Lane in the west to Ship Copse in the east.
- I.5 The closest neighbours to the site are Terwick Wood and Stockman's Lodge (part of Home Farm) to the south, the Lodge to the north and Dangstein, Dangstein Farm and Garden Cottage to the west, all of which are within 100m and share a boundary with the application site. To the west of Fyning Lane is a hamlet of dwellings at Terwick Common which use Fyning Lane for access. There are no public footpaths within the site. The Serpent Trail is approximately 300m to the north and is accessible via other footpaths. .

## 2. Proposal

The proposal includes the following activities and structures.

### Activities

- Education activities including forest school for children; learning about woodland management, conservation, charcoal making, bushcraft
- Evening events may include dark skies astronomy, and cultural activities
- Tourism – 4 timber shelters and 4 camping pitches to be open all year round to provide 'wild camping'. Bookings for camping would be restricted when residential courses are held unless for people attending the courses
- One-off annual event over 2 days (long weekend) for community outreach to showcase skills and activities related to the proposed courses. Over this weekend no other activities would occur.

Table 1: Proposed maximum frequency of activities and number of attendees

Educational	Educational	Educational	Tourism	Recreation	Annual Community event
Day activities, forest school etc.	Residential courses	Seasonal Evening Events	4 overnight shelters 4 tent pitches	Field archery	
4 weekdays/week	8 courses per year, 4 days each	4 evenings per year	Any time	One day at the weekend (apart from disabled archery)	Long weekend event once a year
07:00 – 18:00	07:0-18:00 then overnight	19:00-23:00	overnight	09:00 – 18:00	07:00-23:00
Maximum 16 persons	Max 12 persons	Max 36 persons	Likely to be 2 persons per pitch (16 in total)*	Maximum 32 persons	**

\*Applicant has indicated that likely occupancy rate expected to be between 45-65%

\*\* Not specified, however applicant advised that 200 visits during 2022 event

#### Structures:

The proposed structures are the same as those previously allowed by APP/Y9507/W/17/31947, but which were not constructed during the 3 year temporary allowed period.

- 4 x timber accommodation shelters (to accommodate 2 people) - The overnight shelters would be identical. They would measure 5.5m x 4m (excluding the porch) and be 4.4m high. They would be of a simple timber framed design with walls and a pitched roof clad with timber. They would have a timber framed porch with a corrugated metal roof. They would not have any running water, electricity or gas but would include a wood burning cooker. Rain water would also be captured for use and there would be some low level solar powered lighting installed inside.
- Washroom/Toilet – The wash room and composting toilet would be joined together by a raised walkway. Both would be 4m x 4.7m and 5.3m high. They would be timber framed and the roof and walls would be clad with timber and include rainfall capture and storage.
- Circular community shelter - The community shelter would have a circular shape with earth (cob/straw) and timber clad walls, and a 6.7m high timber framed conical shaped roof with timber shingles. A veranda is proposed around the building which would have a green roof. It would comprise of a central meeting space, a secondary room, a kitchen, stores and a cycle rack.

All new structures would be built out of timber from the site, erected on minimal foundations. The existing structures onsite, the composting toilet and associated facilities, would be removed.

Car Park and Accessibility

- The informal 24 space car park area constructed following the allowed appeal, is proposed to be retained.
- A wheelchair accessible path is proposed between the car park to the community shelter, washroom/toilet and 3 of the overnight shelters.

The applicant has advised that obtaining the funding necessary to construct the structures relies on investors having confidence that the prospects for the site is secure in the longer term which requires permanent planning permission.

**3. Relevant Planning History**

Whilst the site has an extensive planning history, including enforcement complaints and investigations in relation to alleged unauthorised structures and use of the site, the most relevant are listed below:

- 3.1 APP/Y9507/W/17/31947 The continued use of land for forestry and woodland management and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities. Allowed 14.11.2020. Temporary permission for 3 years (Appeal of the refused application SDNP/17/03623/FUL, see paragraph 3.8 below). The Appeal Decision is presented in full as Appendix 2 of this document
- 3.2 The Inspector's conclusions were as follows (paragraph 48 of the Appeal Decision presented as Appendix II of this report):
- “The second purpose of a National Park is to promote opportunities for the understanding and enjoyment of its special qualities, and this should be pursued as long as there is no conflict with the first purpose of conserving and enhancing natural beauty, wildlife and cultural heritage. In my view the activities proposed by the appellant fit into both purposes, wildlife and cultural heritage will be enhanced and opportunities for the understanding and enjoyment of its special qualities will be promoted. There should be no conflict with the conservation of the Park's natural beauty so the proposals are in accord with the purposes of the National Park. It follows there is no conflict with paragraph 172 of the NPPF and I have concluded above that there is no conflict with policies SD4 and SD7 of the South Downs Local Plan, nor harm to the amenities of local residents. I shall allow the s78 appeal subject to the conditions discussed above.”
- 3.3 With regard to the temporary permission the Inspector stated (paragraph 28 of the Appeal decision, presented as Appendix 2 of this document)
- “In my view the conditions should be enforceable, but if I am wrong the temporary 3 years proposed would enable that to be discovered and the permission need not be renewed.”
- 3.4 APP/Y9507/C/17/31995 Appeal against an enforcement notice RG/36 issued on 26.02.2017 relating to change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products. Appeal failed 17.11.2020
- 3.5 SDNP/19/00223/LDE Use of land for archery including the stationing of portable toilets, two awnings as temporary shelter and storage of archery equipment. Refused 23.10.2019
- 3.6 SDNP/17/03623/FUL The continued use of land for forestry and woodland management and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities. Refused 14.12.2017 (Application appealed APP/Y9507/W/17/31947, allowed 14.11.2020 – see paragraph 3.4).
- Reason for Refusal: “The proposed uses of the site would cumulatively lead to a level of activity which, through noise and disturbance including from traffic arriving and departing the site, would not conserve or enhance the National Park landscape and its tranquillity.”
- 3.7 SDNP/16/03499/FUL: The use of the land for forestry and recreation (including archery),

traditional woodland crafting, education and tourism through the provision of 6 camping pitches, 6 overnight shelters, and a community shelter with separate composting toilet and washroom, and improvements to disability accessibility by surfacing an existing path for wheelchair use and creating 2 disabled car parking spaces. Refused 20.02.2017 for the following reasons:

1. It has not been demonstrated that the proposed uses of the site will not cumulatively lead to a level of activity that would be detrimental to the amenities of nearby residential properties and the tranquillity of this rural area through noise and disturbance associated with activities being carried out at unsocial hours and traffic leaving and entering the site. This falls contrary to saved policies R2 and RE12 of the Chichester Local Plan 1999.
2. The proposed parking provision is inadequate to meet the anticipated requirements as set in information submitted in support of the application, leading to indiscriminate parking causing harm to the visual and other qualities of the site contrary to saved policies R2 and RE12 Chichester Local Plan 1999.
3. It has not been demonstrated that safe and sustainable access can be achieved in accordance with the requirements of paragraph 32 of the National Planning Policy Framework and the proposal falls contrary to saved policy TR6 of the Chichester Local plan 1999.

#### **4. Consultations**

##### **4.1 Rogate and Rake Parish Council - Objects to the application for the following reasons:**

- Application is premature as Covid restrictions have meant that site did not operate as allowed in the appeal and structures not yet built so potential harm to landscape character and neighbour amenity has not yet been realised
- Not clear who owns the site
- Concern that proposal would lead to more development and trips
- Cumulative impact proposed activities should be considered
- Permission recently granted for similar sites at Smugglers Copse and Clarefield Copse
- Neighbours affected by disturbance, intrusion and property damage
- Inappropriate site access
- Roads leading to site are narrow with no passing space and pedestrian facilities. Site traffic exacerbates road safety and pothole problem
- No public transport to site except for one bus per day
- Fire risk is a concern - No fire risk assessment within documents
- No requirement for kiln dried wood as burning green work is environmentally damaging and not sustainable
- Rogate Parish Council would prefer application to be refused or alternatively that the temporary permission be extended for a further 3 years to allow structures to be constructed.
- Request that monitoring of landscape harm and neighbour amenity for 3 years and details to be shared with PC

##### **4.2 SDNPA - Landscape Officer - No objection subject to conditions**

- Activities are considered to be low impact in landscape and visual terms.
- Activities support a number of different desired outcomes to National Park Purposes.
- Sensitive areas of historic landscape exist, there is semi-natural woodland on site and to the east is a historic parkland of local importance.
- Activities are set away from the most sensitive parts of the site.

- Given low intensity of the activities and built form, no significant concerns in relation to landscape or visual impact.
- Landscape and visual impacts (positive and negative) are likely to result through the site's long term management. Therefore, a Landscape and Ecological Management Plan is required.

#### 4.3 **SDNPA - Tourism Officer**

SDNP's Sustainable Business Strategy Officer supports the consultation response provided by the SDNPA Tourism Officer to the previous application (SDNP/17/3623/FUL). These comments are reproduced here:

##### Supports

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

4.4 **Ecology** No objection subject to conditions.

4.5 **Highways** No objection subject to the conditions previously provided for SDNP/17/03623/FUL.

4.6 **Environmental Health** - No objection provided that the conditions 3,5,9,10,13,17,17 and 19 (or equivalent) set by the Inspector in 2019 are applied.

4.7 **Forestry Commission** - No objection.

4.8 **Tree Officer** – No comments. Members will be updated.

4.9 **Natural England** - No Habitats Regulation Assessment has been undertaken. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out

(Officer's note: This is addressed in further detail in Section 7 below)

4.10 **County Fire Officer** – Conditions relating to provision of fire hydrant and access for fire appliance.

## 5. **Representations**

5.1 Letters of objection have been received from 24 named individuals /groups and raise the following concerns:

##### Residential amenity

- Impact on neighbours from noise, traffic, night-time activities and loss of privacy.
- Impact on tranquillity
- No benefit for local community

### Traffic and Highways

- Damage to Fyning Lane by large vehicles accessing site
- Increased use of private driveway and damage to access at Dangstein Road
- Impact of additional traffic on local roads
- Unsustainable location leading to reliance on private cars as limited public transport
- Impact of large vehicles during construction period

### Scale and Design

- Design of proposed buildings wash-house appears residential. Concern that intention of the applicant is to build a dwelling/caravan park
- Scale of development is too large for the site
- Extent of activities proposed is too intensive and would have adverse impact on wildlife
- Development is commercial and applicant plans to make money from the development

### Planning, Enforcement and Monitoring

- Structures previously approved were not built, so not possible to assess their impact
- Covid restrictions over half of temporary permission so not possible to assess impact
- Permission would set unacceptable precedent
- Conditions of previous permission were not monitored
- Applicant has not complied with conditions and has had enforcement action taken

### Other Matters

- Contrary to aims of National Park
- Risk of fires to spread from campfires
- Change of name for operator hence no track record
- Cumulative impacts from recent permissions (inc. Smugglers Copse and Artizans of Wood)
- Site not needed as other camping sites recently established nearby (Smugglers Copse)

#### 5.2 Officer's comments relating to the objections:

- The access from Fyning Lane, relates to the use of the timber yard and not to the recreational/educational use of the site.
- No conditions requiring monitoring were set by the Inspector
- Change of name of operator is not a planning matter

#### 5.3 Letters of support have been received from 72 named individuals/groups and raise the following points:

##### Nature conservation

- The site and proposals provide nature conservation and enhancement
- Restoration of heathland which is a priority habitat

##### Operation of the site

- Owners are respectful of neighbours and local area
- Operation of the site is through sustainable land-use practices
- Site does not generate noise or light pollution



- No objections/complaints made about operation since permission granted
- Permanent permission will allow site to develop and enhance opportunities
- Permanent permission will allow operator to obtain charitable status
- Indoor space needed to host activities in all weathers

#### Education and Training

- Attending courses and visiting the site provides physical and mental health benefits
- Increase understanding of nature and passing on woodland skills and stewardship
- Opportunities for Duke of Edinburgh volunteering
- Forest School beneficial for young children

#### Accessibility

- Provides access to woodland for disabled visitors
- Enables low-income families to access nature due to low fees and opportunities to volunteer
- Facilities needed to increase accessibility for disabled visitors

#### Community /National Park benefits

- Creating local employment
- Building healthy social community structures
- This type of development supports National Park principles
- Works to create a community
- Visitors spend money locally

#### Traffic and Transport

- Fyning Lane not used by visitors
- Potholes on local roads are not related to Elfwoods but due to deliveries from online shopping.
- Visitors often arrive on foot or by bicycle
- Low levels of traffic generated by site

### **6. Planning Policy Context**

- 6.1 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

- 6.2 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.

#### 6.3 Relevant Sections of National Planning Policy Framework

- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making

- NPF07 - Promoting healthy and safe communities
- NPPF09 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

6.4 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) A full list of relevant policies can be found in Appendix I

- Core Policy SD2 Ecosystem Services
- Strategic Policy SD4 Landscape Character
- Strategic Policy SD5 Design
- Strategic Policy SD7 Relative Tranquillity
- Strategic Policy SD9 Biodiversity and Geodiversity
- Strategic Policy SD10 International Sites
- Strategic Policy SD19 Transport and Accessibility
- Strategic Policy SD23 Sustainable Tourism
- Strategic Policy SD25 Development Strategy

6.5 Relevant policies and objectives from Rake and Rogate Neighbourhood Plan 2016

- Objective 1 To ensure new development will be sustainable through maintaining and supporting the natural environment, natural resources, landscape and tranquillity of the parish.
- Objective 2 To conserve and enhance heathlands, woodlands, hedgerows, wildlife habitats and species, natural and agricultural resources and cycles; including how they combine to form the characterising views and tranquillity of the parish.
- Objective 7 E To reduce carbon emissions and encourage the use of sustainable building techniques and renewable energy sources wherever possible.
- Objective 7 CH To provide, maintain, and improve the accessibility of the local countryside, public open spaces (POS), public footpaths and bridleways, outdoor and indoor recreational facilities, playgrounds and rivers and all other means to support a diverse and mixed community.
- Policy NE1: To Conserve, Protect and Enhance the Natural Environment
- Policy BE1: Locally Distinctive Design within the Parish
- Policy EW1: Supporting the Rural Economy
- Policy T1: Encouraging Sustainable Travel
- Policy T2: Safety
- Policy T3 Parking

6.6 Other relevant policy documents (including SPDs and TANs)

- Sustainable Construction SPD
- Ecosystem Services Technical Advice Note
- Dark Skies Technical Advice Note
- Biodiversity Net Gain Technical Advice Note
- Adopted Parking SPD

- Adopted Design Guide SPD

## 7 Planning Assessment

### Principle of development

- 7.1 The proposed development does not constitute major development for the purposes of the NPPF and Policy SD3 of the South Downs Local Plan. Whilst the area of the application site means that it is defined as a 'major application' in terms of the Town and Country Planning Act (General Management Procedure) Order 2010 Development, when considered in its local context and the potential for harm to the National Park and taking into account its nature, scale, and setting, it is not considered to be major development for the purposes of paragraph 177 of the NPPF and Policy SD3.
- 7.2 The site is located outside any defined settlement boundary and it is not previously developed land. Policy SD25 identifies exceptional circumstances whereby development outside settlements may be acceptable provided that it complies with relevant policies in the local plan. Provision 2(b) of Policy SD25 specifies that having an essential need for a countryside location would represent an exceptional circumstance, with sustainable tourism identified.
- 7.3 Sustainable Tourism is described in Policy SD23 as including visitor accommodation, visitor attractions and recreation facilities which will be supported where they (inter alia) provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park; minimise the need to travel by private car and encourage travel by sustainable means. Where proposals are located outside of settlement boundaries they should positively contribute to the natural beauty, wildlife and cultural heritage of the National Park and are closely associated with other attractions including the public right of way network.
- 7.4 Of the Rogate and Rake Neighbourhood Plan policies, Policy NE1 is of particular relevance and states that any new development must conserve and, wherever possible, enhance the natural environment, including heathland, notable trees, landscape setting, overall tranquillity and dark night skies.
- 7.5 Adopted policy should also be considered in light of the Partnership Management Plan (PMP) and National Park Purposes as material considerations. It is noted that the Inspector, when allowing the temporary permission stated that the proposal (which is same as is currently under consideration) met both the first and second purposes of the National Park (paragraph 48 of Appeal Decision, appendix 2).

### Landscape, design and cultural impact

- 7.6 Policies SD4 and SD5 are relevant regarding the scheme design. The SDNPA's Landscape Officer has considered the application and has advised that given that these proposals are fundamentally the same as the previous application and appeal, their previous comments stand. These comments are available in full on the Authority's website.
- 7.7 The Landscape Officer raised no objection to the proposals and confirmed that the comments provided for the 2017 applicant remained relevant, namely that the proposed structures would be of a low impact sustainable design; would assimilate into the site; would not be seen from public vantage points, nor would they be prominent in wider elevated public views from the south on Harting Down.
- 7.8 The car park, constructed under the previous approval, has a rural appearance due to lack of formally laid out spaces and sand and stone surfacing. Given its location within the site it is not visible from the wider landscape and successfully relocates parking away from the site access. Overall, it does not have a detrimental landscape impact. The proposed accessible pathway would also not give rise to a harmful landscape impact.
- 7.9 As previously, it is considered that the proposal would not result in any adverse impact to the setting of the historic parkland to the east, particularly given the retention of the ancient woodland at the east of the site. The nearest listed building Grade II listed Dangstein Farmhouse is approximately 150m to the south of the site boundary and 250m of the main

area proposed for development. Section 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990) 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.'. Given the scale, nature and limited visibility between the sites, it is considered that these proposals would not impact upon the setting of the Listed Building.

- 7.10 The Inspector raised no landscape concerns with the proposed structures in common with SNDPA's Landscape advice (paragraph 38 (paragraph 48 of Appeal Decision, appendix 2)) but did consider that a wholly 'untrammelled consent' would be harmful to landscape in addition to tranquillity and ecology (paragraph 26). The main consideration for the Inspector was 'whether the activities could be limited by condition, and if they can would they, at that level, be harmful' (paragraph 26).
- 7.11 The Inspector's view was that conditions restricting uses on the site are standard and enforceable (paragraph 28); that there would be not much if any harm to residential amenity (paragraph 34); that the impact on the character of the landscape in its wider setting will be minimal (paragraph 39). Furthermore, the Inspector considered that the proposals, limited in extent and intensity through the use of conditions, would enhance the "amenity and experiential qualities of the landscape" without degrading its essential qualities and would be in line with Policy SD4 (paragraph 40).

#### Neighbour Amenity and Relative Tranquillity

- 7.12 The site falls within an area of intermediate tranquillity and Policy SD7 states that in these locations, development proposals should "conserve and enhance, and not cause harm to relative tranquillity".
- 7.13 Previously the Inspector considered impact on tranquillity from noise, and also the cumulative effects of the various uses (i.e. overlapping of events including vehicle movements), and was satisfied that there would be no overlap of the various educational, tourism and recreational events. In his decision, the Inspector considered that there would be little impact on overall tranquillity in this part of the National Park (paragraph 44), from the levels of activity proposed at that time, including from any cumulative effects of vehicle movements (paragraph 39), with the conditions specified by the Inspector provided temporal separation between the educational and recreational events.
- 7.14 Conditions were attached to the temporary permission to manage the intensity of use (number of events and visitors) and also how the site is managed, including restriction of use tannoy systems (condition 9), submission and approval of a Site Management Plan (condition 10), construction management plan (condition 13) and travel plan (condition 17). The Inspector made the point that the conditions attached to the permission were not unusual (paragraph 27) and should be straightforward to check and enforce (e.g. if the forest school were using the site every day). If not, the Inspector considered that this could be discovered during the temporary 3 year period for which the development was allowed.
- 7.15 No complaints have been made to SDNPA or CDC regarding breaches of conditions and as such, officers have had no cause to investigate the operation of the site or had reason to believe that operation of the site was not in accordance with conditions. In addition, over the period of the temporary permission, Chichester Environmental Health Officers have received no complaints regarding excessive noise or other breaches of Environmental Health legislation relating to this site.
- 7.16 Concern has been raised by objectors, that the proposals would lead to excessive noise (particularly during the evening and night) and also loss of privacy. In addition, the Parish Council has raised the concern that due to Covid restrictions, and that the allowed structures were not built, the potential harm to landscape, amenity has not yet been realised.
- 7.17 It is acknowledged that the first half of the temporary permission fell the period March 2020 – Summer 2021 and was affected by Covid restrictions, inevitably profoundly limiting the

activities that could occur on the site and number of visitors. However, visitor numbers provided to SDNPA by the applicant show that these have increased steadily since restrictions were eased, without any breaches having been brought to the attention of SNDPA. Visitor numbers between July-November 2022 averaged 7 per day which is approximately 25% of the maximum number of visitors of 30 per day, previously allowed.

- 7.18 The fact that the structures allowed by appeal APP/Y9507/W/17/31947 were not constructed, and that the site is not currently able to offer these facilities for visitors, would be likely to have resulted in depression of the number of visitors that might have otherwise visited (post Covid restrictions). The proposed structures would be likely to increase the attractiveness of the site to campers and also increase accessibility for people with disabilities, so that visitor numbers may increase. However, this would not reduce the enforceability or effectiveness of the proposed conditions to control visitor numbers or activities on the site.
- 7.19 It is noted however, that 30 visitors per day is a theoretical maximum and assumes that each activity on the site would operate at full capacity for the whole of the calendar year. This would include full capacity of the overnight accommodation, which the applicant has indicated would operate at 45-60% capacity. The Inspector previously accepted, that 40% capacity of the campsite would not be unduly low (paragraph 32).
- 7.20 Given the above, for a site which operates outdoor based (and hence weather dependent) activities, the theoretical maximum usage allowed by the Inspector is likely to remain theoretical. As such, it is not considered reasonable to expect that visitor numbers should reach the theoretical maximum before the site is considered to be operating in accordance with planning conditions to prove such conditions can be considered to be effective and enforceable. As such, no temporary condition is proposed. It is noted that National Planning Practice Guidance on Planning Conditions states (paragraph 14) states that it will rarely be justifiable to grant a second temporary permission, and that further permissions can normally be granted permanently or refused if there is clear justification for doing so.
- 7.21 The Parish Council and objectors have highlighted that similar proposals have been approved at Clarefield Copse and Smugglers Copse and raising concern regarding cumulative impacts.
- Clarefield Copse (SDNP/20/05627/FUL) is a seasonal campsite of 17 pitches and is located south of the A272, 4 km from the application site. Given the distance, location and scale, the proposal would not result in any cumulative effects with Clarefield Copse campsite.
  - Smugglers Copse (SDNP/20/01796/FUL) also provides forestry products, education, training courses and associated camping (April to November). This site operates a maximum of 15 courses per year, operating over a total of 45 days with a total of 76 students over the April to November period. This site is located approximately 0.5km to the north east of the application site, and accessed from Gatehouse Lane. The case officer considered that the scale and low intensity of the use would not give rise to adverse impacts to living conditions of neighbours due to noise or traffic. The overnight educational activities offered by Smuggler's Copse and the application site are similar and may potentially occur on the same days, however the scale and separation of the accesses of these sites, the proposed development would not result in any cumulative impact in terms of disturbance or loss of tranquillity.
- 7.22 The applicant previously submitted a Site Management Plan, Construction Management Plan, and Travel Plan to discharge conditions 10, 13 and 17 (SDNP/20/00555/DCOND). These were approved by SDNPA and these conditions were discharged on 01/04/2020. Updated copies of these documents were submitted as part of this application. Conditions requiring that the site is operated in accordance with these documents are proposed, including a provision that the documents be regularly reviewed and updated.
- 7.23 It is noted that aspects of the proposal, such as the evening events or the annual event could occur within the 28 day rule without requiring planning permission and hence would be largely uncontrolled under the planning system. The only effective control in that case would be Environmental Health legislation if an event caused excessive noise and disturbance.

Highways, Access and Sustainable Transport

- 7.24 The application has been considered by WSCC Highways Authority which has not objected to the proposals, subject to the conditions originally specified as part of the previous application and which were included by the Inspector following the allowed appeal.
- 7.25 Concern has been raised regarding the impact to the accesses from Dangstein Road and Fyning Lane. With regard to the access from Fyning Lane, that access is used by vehicles associated with the timber yard and forestry activities. This usage was previously restricted by condition and should this application be approved, a condition to that effect would be applied.
- 7.26 With regard to sustainable transport, condition 17 of the temporary permission required the submission and approval of a Travel Plan. This condition was discharged on 01/04/2020 (SDNP/20/00555/DCOND). The Travel Plan included a requirement that an updated travel survey was undertaken 6 months the condition was discharged. Whilst the travel survey was not undertaken at the 6 month point due to covid restrictions, the applicant has submitted details of the travel survey undertaken in Autumn 2022. The applicant has advised that as a result they have amended the general approach to the travel plan and now offer all walkers and cyclists discounted fees for the activities and also offer free pick-up and drop-off at Liss railway station for those travelling by train. It is understood that this has been well received and with the offer taken up by a number of visitors. To ensure that this approach is continued, a condition to require that the previously approved Travel Plan is implemented and reviewed/updated could be attached to the permission.

Ecology and Habitats Regulations Assessment

- 7.27 The Ecologist has reviewed the ecology documents submitted and is satisfied with the level of detail. It is apparent that the restoration of the heathland/acid grassland mosaic, is developing well and there is evidence that the management plan measures for wooded areas of the site are being implemented such as native tree planting, rotational coppicing, removal of rhododendron and bracken, etc. These ongoing measures can be secured by condition.
- 7.28 However there is some concern that the proposed structures and potentially increased visitor numbers would impact the restored heathland habitats/acid heath grassland which is a priority habitat. Notwithstanding one cannot rule out any risk, the proposed management measures for this habitat are satisfactory and can be secured by a planning condition. Monitoring of the restored habitats is required to identify whether the restored heathland/acid grassland shows signs of deterioration or failure to continue to develop. This can be secured by condition.
- 7.29 In addition the Ecology Officer has advised that an ecology Statement should be submitted detailing the measures to address adverse impacts, should the monitoring results confirm an impact as a result of the works which could provide options for remedial or mitigation actions. Given the work that has already been undertaken by the applicant to restore this priority habitat, this is considered a reasonable and proportionate measure to ensure that it is maintained for the longer term. The proposal would therefore satisfy the requirements of Policy SD9.
- 7.30 The site lies within the 12km buffer zone for the Singleton and Cocking tunnels SAC, designated for its hibernating populations of barbastelle bat and Bechstein's bats within the former railway tunnels. The proposals have been screened in accordance with Habitats Regulations Assessment (HRA) requirements and identified that the proposal would result in no significant impacts to the Singleton and Cocking Tunnels SAC.
- 7.31 The site also lies within the Sussex North Water Supply Zone. Natural England has advised that additional abstraction within this area could, without mitigation, result in a likely significant effects on the Arun Valley SAC, SPA and Ramsar site (Arun Valley Sites). This site consists of low-lying grazing marsh sites supporting rare and diverse plant, invertebrate and bird assemblages as qualifying features.
- 7.32 Development proposals that would lead to a material increase in water demand will need to demonstrate 'water neutrality' which means that there would be no increase in water

consumption which can be achieved by a combination of water efficiency, recycling and offsetting measures.

- 7.33 The applicant has submitted a Water Neutrality Report, and meter readings from the water meters installed within the site. Whilst the proposal has not yet been demonstrated that it can be made to be water neutral, officers consider that water neutrality is likely to be achievable by implementing mitigation or off-set measures. As this is a technical matter rather than one relating to principle of development or other harm, officers consider that this could be addressed over the coming months, hence the reasoning behind the recommendations proposed. An Appropriate Assessment and consultation with Natural England in accordance with the provisions of the Habitats Regulations Assessment would be undertaken by SNDPA as competent authority at that time. If the requirements of the HRA are not met within a period of 6 months, the application could be refused in accordance with the recommendations set out in Section 9 of this report.

#### Trees

- 7.34 A strip of woodland along the eastern side of the site is designated as semi-natural ancient woodland. Paragraph 180 of the NPPF outlines that planning permission should be refused “for development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)...unless there are wholly exceptional reasons and a suitable compensation strategy exists”. In this instance, given the nature and scale of the proposed activities and physical development, which does not involve the clearance of ancient woodland, the proposals would not conflict with this policy of the NPPF. The applicant has previously submitted a Woodland Management Plan to the Forestry Commission as part of the ongoing management of the site. In addition, the Landscape and Environmental Management Plan (LEMP) includes measures to ensure its long term conservation of the woodland.
- 7.35 The car park was constructed within an existing clearing, and is proposed to be retained with no changes. The proposed wheelchair accessible path also navigates between trees and given its low impact construction it is not anticipated that it would cause harm to existing trees.

#### Dark Night Skies

- 7.36 No external lighting is proposed. There would be some internal solar powered lighting within the new structures and a condition relating to lighting is proposed. No conflict with policy SD7 would therefore result.

#### Surface Water and Flood Risk

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

#### Ecosystem Services and Green Infrastructure

- 7.38 Policy SD2 of the SDLP relates to ecosystem services and states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This is to be achieved through high quality design and delivering all opportunities to manage natural resources sustainably. Policy SD45 is also relevant as it requires to maintain and enhance Green Infrastructure (GI) assets.
- 7.39 Objectives 1 and 2 and Policy NEI of the Rake and Rogate NDP also relate to the natural environment and GI.
- 7.40 This proposal would provide opportunities for access to the natural and cultural resources and people’s well-being thanks to the proposed courses. Other ecosystem benefits relating to habitat enhancements and restoration of priority habitat will arise from the continuing implementation of a Heathland Restoration Plan and Landscape and Environmental Management Plan (LEMP).

#### Fire Risk

- 7.41 WSCC Fire and Rescue has identified that the site is 430 metres from the nearest fire hydrant which is further than the 175 metres required for a domestic dwelling. The Fire Service have said that either a hydrant or alternative water supply would be required to be supplied. It is noted that the site is served with mains water.
- 7.42 In addition the Fire Service raised concerns that access road to the site may be too narrow for a fire appliance to gain access in an emergency, with a width of 3.7m and a turning area required. With regard to the access track from Dangstein Road, the officer has measured the track and found it to be between 3.3 and 3.7m width to the point of the car park, which could provide a turning area for fire appliances, with the narrowest part being at the gate at Dangstein Road, which provides access from the road to the site and other dwellings and is outside the control of the applicant. In addition, the access into the site from Fyning Lane, whilst not proposed for day-to-day use as part of this application, is shorter and potentially capable of accommodating trucks and tractors, and could be used by a fire appliance in the event of an emergency.
- 7.43 It is noted that the comments made by Fire and Rescue Service were based on compliance with building regulations compliance, however it should be noted that the proposed structures would all fall under the requirements of the Building Regulations 2010 which addresses fire safety. Furthermore, operation of the site would fall under the requirements of The Regulatory Reform (Fire Safety) Order 2005, which sets out the requirements of the responsible person to ensure that premises (including tents) comply with the requirements of the articles of that Order.
- 7.44 As such, matters associated with fire safety are the subject of separate legislation and is not required to be a condition of planning permission. However, in the interest of public amenity, a condition could be applied to any permission requiring the submission and approval of a Fire Risk Assessment. This could include details of risk control measures, an action plan towards reducing fire risks and facilitating their extinction should a fire occur. From a planning perspective, the SNDPA considers that the proposed condition, together with an informative to remind the applicant of the need to comply with Building Control Regulations would be proportionate for this proposal and that any additional requirements as per the consultee's suggestion would be disproportionate to the proposal.

Temporary versus permanent planning permission

- 7.45 Given the assessment and detail described above, officers consider that the proposals would be acceptable for the reasons outlined and a range of conditions have been recommended to manage the use and activities on site. These types of conditions are not unusual and are enforceable.
- 7.46 Whilst the usage of the site was restricted during the allowed period due to the various Covid restrictions, and not all structures erected, visitor numbers had increased over the second half of the allowed period. Whilst acknowledging visitor numbers had not reached the theoretical maximum numbers, as previously described the theoretical maximum would assume that all activities were operating at full capacity on each allowed day, including full capacity of the camping throughout the year. For a site operating outdoor based activities, the theoretical maximum usage is unlikely and is considered likely to remain theoretical.
- 7.47 As previously described, no complaints have been made to SDNPA or CDC regarding breaches of conditions or noise related complaints. As such, officers have had no cause to investigate the operation of the site or had reason to believe that operation of the site was not in accordance with conditions. It is therefore not considered reasonable to expect that visitor numbers should reach the theoretical maximum before the site is considered to be operating in accordance with planning conditions and that these conditions can be considered to be effective and enforceable.
- 7.48 It is acknowledged that the proposed structures would be likely to increase the attractiveness of the site to campers and also increase accessibility for people with disabilities, so that visitor numbers may increase. This does not however, reduce the enforceability or effectiveness of the proposed conditions. As such, no time limiting condition is proposed. It is noted that National Planning Practice Guidance on Planning



Conditions states (paragraph 14) states that it will rarely be justifiable to grant a second temporary permission, and that further permissions can normally be granted permanently or refused if there is clear justification for doing so.

## 8. Conclusion

- 8.1 It is considered that the application includes an acceptable and proportionate level of detail in order to clarify the proposed activities and assess the application. Officers have considered the issues of concern that have been raised together with the points raised by the Inspector in the recent appeal decision and other considerations in regard to the merits of the proposals, when reviewing the scheme as a whole and assessing its impacts and compliance with planning policy and material considerations.
- 8.2 It is considered that the proposed uses and level of activity cumulatively would not have an undue detrimental landscape impact in regard to tranquillity and visual impact in light of the low impact design of the physical development, nor have a significant impact upon surrounding amenities. The proposal supports the aims of the National Park, and complies with the South Downs Local Plan, Rake and Rogate Neighbourhood Plan, the NPPF, together with SPDs and would deliver on a range of priorities from the Partnership Management Plan, and there are no overriding material considerations to otherwise indicate that permission should not be granted.
- 8.3 Conditions will ensure that the development does not lead to any harmful impacts and that fire risks are adequately managed within the site. Proposals will also secure significant natural environment benefits including priority habitat restoration and increasing access for members of the public including those with disabilities. It is therefore recommended that permanent planning permission is granted, subject to the reasons and conditions described in Section 9 and delegation to the Director or Planning in relation to the matter of water mitigation measures as described in parts 1 and 2 of the recommendation.

## 9. Reason for Recommendation and Conditions

- 9.1 It is recommended that the application be Approved subject to:
1. **i) the completion of a satisfactory water neutrality assessment and appropriate mitigation measures the consideration of which is delegated to the Director of Planning, as necessary.**
  - ii) **The conditions as set out in paragraph 9.2 of this report.**
  - 2) **That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if within 6 months of the 8 June 2023 Planning Committee meeting the water neutrality measures have not been satisfactorily demonstrated to be feasible.**
- 9.2 And the following conditions:
1. 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. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars unless prior written consent is obtained from the Local Planning Authority to any variation.  
Reason: To ensure an appropriate form of development.
  4. The educational and recreational uses of the site shall be limited to the following activities and for no other uses whatsoever which may fall within Use Classes D1 and D2 as stated in the Use Classes Order 2015 (as amended or revoked and re-enacted):

I. No more than 4 educational day courses of up to 16 students per course in connection with the understanding of the natural environment and outdoor skills per week between Monday - Friday and 7am - 6pm.

II. No more than 8 residential educational courses of up to 12 students in connection with the understanding of the natural environment and outdoor skills lasting up to 4 days in any calendar year.

III. No more than 4 evening educational events of up to 36 students per evening between 7pm - 11pm in any calendar year.

IV. No more than 1 annual event which is related to the approved activities above in any calendar year. Such event shall last no more than 2 days.

V. Field archery shall only take place on one day during weekends between the hours of 9am - 6pm. The only exception to this restriction is archery involving disabled archers which may take place on both weekend days between the hours of 9am - 6pm only. The maximum number of archers allowed on the site at any one time shall be 32.

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

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

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

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

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

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

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

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

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

Reason: To manage the level of activity on the site.

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

Reason: To manage the level of activity on site.

10. No external loudspeakers, public address/tannoy systems or amplified music shall be used on the site at any time other than for the annual event described at condition 4(d) above, and

then not beyond 11 pm or before 9 am on either day.

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

11. The development and all activities shall be constructed and proceed in accordance with the following documents,:

- Construction Environmental Management Plan (CEMP) dated November 2022
- Site Management Plan dated November 2022
- Landscape and Ecological Management Plan (LEMP) dated February 2020

Reason: To ensure the activities on site are appropriately managed, to protect wildlife habitat and to manage and enhance the biodiversity and landscape qualities of the site.

12. Development and all activities shall proceed in accordance with the measures detailed in Section 5.0 of the Preliminary Ecological Appraisal Update Survey (Scotty Dodd, November 2022) with features and management approaches retained and maintained as described.

Reason: For nature conservation and to protect wildlife habitat

13. In addition to the measures required by condition 12, prior to the commencement of the development hereby permitted, an Ecology Statement shall be submitted to, and approved by, the Local Planning Authority. This shall detail how any adverse impacts that occur on Zone 2a (acid grassland/heathland) as shown in Appendix C1 of the LEMP) as a result of the works and activities permitted by this permission would be addressed. This should include details of remedial actions or if not possible, selection of another zone within the site to undergo the required habitat clearance and management to allow for the restoration of new areas of heathland/acid grassland as compensation for areas negatively affected within Zone 2a.

To assess the extent of any impact on Zone 2a, a monitoring visit by a qualified ecologist is to be carried out every two years for the first 10 years after planning permission is granted, with the monitoring visits changed to once every 5 years until year 20 from the date of consent. The monitoring will only be required for Zone 2a. A short report summarising the findings of the survey work and any recommendations and remedial actions to be undertaken (to ensure no deterioration of the acid grassland/heathland habitat, or other impediment to the restoration of this habitat) shall then be submitted (in writing) to, and approved by the LPA no later than 6 months from the date of the survey. The recommendations and remedial actions shall be implemented as approved.

Reason: In the interest of biodiversity and the maintenance and continued restoration of priority habitat.

14. Prior to the commencement of development, and the activities hereby approved, the applicant shall submit for the written approval of the Local Planning Authority a Fire Risk Assessment which provides an overall assessment of the risk of fire and identifies the risk control measures for the activities permitted. The development and all activities shall subsequently proceed in accordance with any such approved details.

Reason: In the interest of fire safety and the amenity of neighbours.

15. Prior to the commencement of the development, the applicant shall submit for the written approval of the Local Planning Authority, an updated Travel Plan Statement, based on the document prepared by Entran Ltd, dated February 2020, previously approved by permission SDNP/20/00555/DCOND on 1st April 2020. The applicant shall implement the approved Travel Plan Statement and thereafter maintain and develop the Statement in a manner to be agreed by the Local Planning Authority.

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

16. The use of the site shall strictly accord with the following access arrangements:

- a) the means of public access to the development shall be from Dangstein Road only
- b) the access from Fyning Lane shall only be used for the purposes of forestry activities on the

site.

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

17. Visibility splays of 2.4m x 50m to the west and 2.4m x 64m to the east at the Dangstein Road access shall be provided in accordance with approve plan No. 4999 (Transport Statement Addendum produced by Entran, dated January 2017) and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level.

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

18. The development and activities hereby approved shall be undertaken strictly in accordance with the lighting details in the Lighting Assessment (Elwoods Community, submitted November 2022) .

Reason: In the interest of conserving dark night skies

## **11. Crime and Disorder Implications**

- 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, an onsite meeting and an office meeting 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	Appendix 1 - Information to be determined at committee Appendix 2 – Appeal DecisionAPP/Y9507/W/17/31947
SDNPA Consultees	Legal Services, Development Manager
Background Documents	<a href="#">All planning application plans, supporting documents, consultation and third party responses</a> <a href="#">Partnership Management Plan - South Downs National Park</a> <a href="#">South Downs Local Plan</a> <a href="#">Rogate &amp; Rake Neighbourhood Plan</a>