

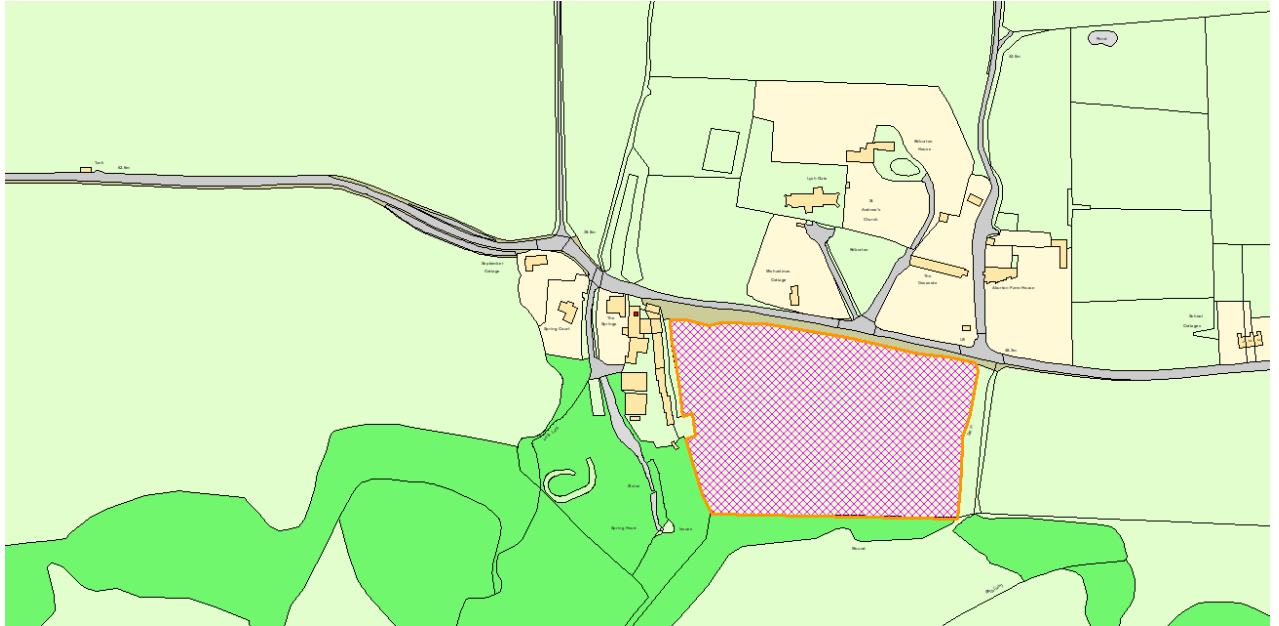
Report to	Planning Committee
Date	8 May 2025
By	Director of Planning
Application Number	SDNP/24/05059/LDP
Applicant	Mr Simon Frost
Application	Use of the land as a recreational campsite for not more than 60 days in total in the calendar year 2025. There are not more than 10 pitches. The moveable structures shown on the site plan are solely for the purposes of the permitted use.
Address	The Springs, Edburton Road, Edburton, West Sussex, BN5 9LN

Recommendation:

- 1) That authority be delegated to the **Director of Planning**, in consultation with the **Chairman of the Planning Committee**, to grant and issue a **Certificate of Lawful Use** for the application reference **SDNP/24/05059/LDP**, subject to:
 - i) **The prior positive determination of associated application (SDNP/25/01262/HRA) under the Regulations 75 to 77 of The Conservation of Habitats and Species Regulations 2017.**
 - ii) **Consideration of any substantive issues that are raised as a result of a 21 day notification process associated with submission of a revised plan.**

The final form of the certificate is delegated to the Director of Planning to issue.
 - 2) That authority be delegated to the **Director or Planning** to refuse to grant a **Certificate of Lawful Use** for the application reference **SDNP/24/05059/LDP** in the event that the associated application (**SDNP/25/01262/HRA**) under the **Regulations 75 to 77 of The Conservation of Habitats and Species Regulations 2017** is refused.
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Site Location Map



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Executive Summary

- The applicant has applied to the SDNPA to obtain a decision on whether or not a proposed use is lawful for planning purposes (pursuant to Section 192 of the Town and Country Planning Act 1980).
- The applicant seeks to confirm that the use of the land as a recreational campsite for not more than 60 days in total in the calendar year 2025 where there are not more than 10 pitches and the moveable structures on the site are solely for the purposes of the permitted use, is lawful. The applicant states that the proposed use of the land meets the criteria stipulated under Schedule 2, Part 4, class BC of the General Permitted Development Order 2015 (permitted development legislation).
- The SDNPA needs to consider whether, on the facts of the case and relevant planning law, the specific matter would be lawful. The burden of proof is on the applicant and the standard of proof is the balance of probabilities.
- The application is placed before the Planning Committee due to the level of public interest.

I. Site Description

- I.1. The application site is located on the southern side of Edburton Road and comprises an agricultural field bound by hedgerows. The site has been previously used for grazing and car racing.
- I.2. The field is to the east of the Springs Smokeries buildings and associated car park which is under the same ownership. The site is accessed from Edburton Road, via the Springs Smokeries premises.
- I.3. The site sits at the foot of the scarp slope, with the land rising steeply to the south up to the Downs ridge. Public Footpath 2751 runs north-south along the access track from Edburton Road to the west of the Smokery buildings. This joins Public Bridleway 2752 to the east of the site, which in turn joins the South Downs Way which runs long the Downs ridge to the south of the site.

- 1.4. A spring runs through the property. Beeding Hill to Newtimber Hill (SSSI) is located to the south of the site. The site is also located within an Archaeological Notification Area.

2. Relevant Planning History

- 2.1. SDNP/25/01262/HRA Habitat Regulations Assessment under Regulations 75 to 77 of The Conservation of Habitats and Species Regulations 2017 - Use of the land as a recreational campsite for not more than 60 days in total in the calendar year 2025. There are not more than 10 pitches. The moveable structures shown on the site plan are solely for the purposes of the permitted use. Being considered concurrently.
- 2.2. Officer Note: the purpose of the HRA application is to ascertain if the proposed development complies with regulations 75 – 78 of the Habitats and Species Regulations 2017, as required by Article 3(1) of the GDPO 2015 (as amended).
- 2.3. Officer Note: Schedule 2, Part 4, Class BC of GPDO (as amended) allows permitted development of not more than 50 pitches.

3. Proposal

- 3.1. The land is proposed to be used as a recreational campsite for not more than 60 days. There would not be more than 10 pitches. The moveable structures indicated on the site plan are solely for the purposes of the temporary use.
- 3.2. The proposed dates of use in 2025 are as follows:
- Friday to Sunday from 18 July 2025 to 7 September 2025.
 - This is a total of 24 days.
- 3.3. An amended site plan was provided during the course of the application which sites the 'toilets' inside the application red line.
- 3.4. A further amended site plan was provided during the course of the application which showed 10 indicative pitches, two composting toilets, waste and recycling point and two fire points. As below, the applicant has confirmed that they proposal development would be limited to 10 pitches, not 50 as originally submitted.
- 3.5. An amended Cover Letter was provided which clarified that there would not be more than 10 pitches and that the dates the site would be in use would be Friday (from 3pm) to Sunday (11am checkout) from 18 July 2025 to 7 September 2025 only.

4. Consultations

4.1. Upper Beeding Parish Council: Objection:

- May satisfy the criteria within The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023, and the SDNP policy SD23 on sustainable tourism, however we object to this application for the following reasons:
- Existing shared private waste treatment plant insufficient for demand, will result in overflow into Edburton Stream known to support wildlife including nightingales, cuckoos and possibly great crested newts;
- Will result in an increase in water demand from its former use, contrary to water neutrality restrictions;
- Will result in increased traffic along Edburton Road which is a narrow country lane and access to the site is via a blind junction;
- Majority of the residents in Edburton have expressed concerns about the proposal;
- Formally request the use of Article 4 to remove Permitted Development rights on land in Edburton (unanimous support;)
- Article 4 direction supported by many third parties;
- Existing Article 4 direction restricting caravans already covers the field in question, and

should be extended to include use of a recreational campsite for less than 60 days under Schedule 2, Part 4, Class BC.

4.2. The National Trust:

- Application site located within an area of exceptional landscape quality;
- Adjoining Beeding Hill to Newtimber SSSI is National Trust land which includes three nationally uncommon habitats and supports uncommon butterflies and moths;
- Scheduled Monument within National Trust land located 30m south of the site;
- South Downs Way National Trail located within 500m of the proposed campsite;
- A low-key campsite would provide a useful facility for walkers;
- Site map indicates tents close together; visual impact may be lessened if more space was given between pitches;
- Unclear where vehicles would park; cars and campervans parked within the field would have a detrimental visual impact on the landscape setting and should not be permitted;
- Proposal should not generate noise or light to avoid impacting affecting the intrinsic quality of dark skies within the National Park.

4.3. ESCC Fire & Rescue

- Evidence is required to show there is suitable access for a fire appliance to attend the site in the event of a fire or emergency situation. There is no information regarding the access to this site, where it can support 18 Tonne axial weight of the appliance, suitable turning facility and all structures are within 45m of the location of a fire appliance.
- Officer Note: Consideration of matters relating to fire safety is not a requirement of the legislation. The Fire Authority are however required to be notified as and when the applicant notifies the Local Planning Authority of the proposed dates of operation on a yearly basis. The comments received by the West Sussex Fire and Rescue Service are noted, however cannot be taken into account in the assessment as they fall outside the legislative remit of permitted development.

5. Representations

5.1. There is no statutory requirement to consult third parties. Views expressed by third parties on the planning merits of the case are not relevant when determining this certificate of lawfulness application.

5.2. It is however the case that 79 letters of objection have been received in response to the application (including representations from adjacent Pyecombe, Poynings and Fulking Parish Councils), raising the following concerns:

Principle

- Proposal contradicts the purposes of the National Park;
- The campsite will go against the grain of what the SDNP is designed to do i.e.: to protect and conserve this precious, rare and beautiful environment for humans and wildlife alike - for now and future generations;
- There is no need for the site, given proximity to other sites close by.

Landscape and Visual Impact

- Beautiful and sensitive location at foot of escarpment;
- Potentially visible from public rights of way;
- Proposed size of the development will be out of character and disproportionate with the small hamlet;

- Proposal would detract the special views afforded from local vantage points.

Heritage

- These works would take place within the setting of listed buildings and the Edburton Conservation Area;
- Possible impacts on archaeology;
- Application shows no awareness of the history of the site;
- No hardstanding should be allowed as more research is needed into the Roman settlement.

Infrastructure

- The current drainage infrastructure unlikely to cope with the effluent from 50 pitches;
- Current sewage treatment plant is for domestic scale usage and is not suitable for any cleaning/other chemicals;
- Minimal washing and toilet facilities are proposed raising concerns re. waste management;
- Significant upgrades to infrastructure are likely necessary;
- No public transport, facilities, pubs or shops within walking distance;
- The submitted plans indicate that the toilet and showering facilities would be off-site therefore not permitted development.

Traffic/parking/access

- Insufficient onsite parking;
- Proposed use would generate significant vehicle movements;
- Highway safety concerns for other vehicles, pedestrians, cyclists and horse riders;
- Local road infrastructure cannot cope with additional traffic;
- The 'main entrance' indicated on the plans does not currently exist and its creation would require the removal of trees and scrub;
- Would require a reliance on private vehicles;
- Increased use of local footpaths;
- What provisions are in place for emergency vehicles;
- There appear to be no efforts to target walkers or cyclists;
- Parking should be restricted.

Environment and Amenity

- Environmental damage has already occurred;
- Inevitable light pollution in the International Dark Skies Reserve;
- Peace and tranquillity disturbed;
- Possible danger to the stream;
- Negative impacts on neighbouring occupiers;
- Increased pollution;
- Noise and disturbance;
- The existing environmental permit only covers the existing uses;
- Strict restrictions should be applied to control noise, lighting and no fixed permanent infrastructure;

- There should be 24-hour supervision on site.

Trees, Biodiversity and Ecology

- Site is directly adjacent to the Beeding Hill to Newtimber SSSI, which is afforded the highest level of environmental protection;
- Impact on local wildlife;
- Loss of hedgerow and trees;
- Destruction of ancient hedge;
- No ecological surveys have been undertaken;
- Habitat destruction;
- Introduction of invasive species.

Water and Water Neutrality

- The issue of water neutrality has not been addressed;
- The site is in the Sussex North Offsetting Water Scheme area;
- Extra demand for water;
- Proposal would have a detrimental impact on water quality for a number of reasons.

Planning policy and procedure

- Works have commenced in advance of a decision;
- Incorrect information provided with the application making it unlawful;
- The current earthworks and removal of trees/hedgerow fall outside of the scope of the current application and do not have permission;
- The proposed works fall outside of those permitted under permitted development Class BC;
- The Authority is urged to make an Article 4 Direction to remove permitted development rights under Class BC to ensure that the proposal can be given full and careful scrutiny;
- Granting this would set a precedent that many other landowners could follow;
- The proposal is not allowed by the permitted development regulations;
- The proposal is not allowed by the SDNP's Camping and Glamping Technical Advice Note;
- The SDNPA might also inquire generally into the development, construction and change of use of the adjacent Springs Smokery site, including uses of the Springs Smokery site which are ancillary and applicable to the proposed temporary campsite;
- No change of use applications have been submitted for other uses on site;
- No efforts have been made to consult neighbours;
- Proposal conflicts with many SDNP Local Plan policies;
- Proposal conflicts with the Bramber Neighbourhood Plan;
- As recently as last year SDNP issued an Article 4 direction at Clayton Hill on 21 March 2024 to protect the land from temporary use and temporary structures;
- On 21 January 2024 in Lordington, Stoughton Article 4 was used to bring a temporary campsite under planning protection, in exactly the way we are requesting in Edburton;
- Proposal conflicts with other legislation;
- The development misuses permitted development rights as the land is not tied to agricultural use;

- SDNPA must carry out a full investigation into the works taken place;
 - The applicant is not a farmer. This is a commercial entity;
 - This must be a planning loophole which must be closed.
- 5.3. One letter of support has been received which notes:
- The lack of decent camping options on the South Downs Way;
 - This short term/60 days per year is a good option to maintain the area in its natural beauty without buildings being erected and only temporary facilities being made available;
 - This will bring much needed tourism to the South Downs giving people a safe place to camp and diverting cars away from the limited amount of car parks on the South Downs that always get clogged up and very crowded during the summer months.
- 5.4. Officer Note: Whilst Officers acknowledge the many representations received, this application must be assessed against Schedule 2, Part 4, Class BC of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It does not constitute a full planning application and therefore material planning considerations cannot be taken into account in the assessment. The application only relates to works permitted by Class BC. Any other 'development' would likely require express planning permission, under a separate planning application.
- 5.5. Officer Note: Notwithstanding the above, the inclusion of a notification process within the recommendation allows those with an interest in the matter the reasonable opportunity to consider the revised plan and Cover Letter prior to the decision being taken under delegation.

6. National Park Purposes and the Section 245 Duty

- 6.1. The two statutory purposes of the National Parks are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; (Purpose 1)
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas. (Purpose 2.)
- 6.2. There is also a Statutory Duty, in the 1949 Act “to seek to foster the social and economic well-being of communities living within the National Park.” In exercising the Duty, it must be undertaken through pursuing National Park Purposes.
- 6.3. Section 245 of the LURA 2023 strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to “seek to further the specified purposes of Protected Landscapes.”
- 6.4. The Government’s ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’, published 16 December 2024, sets out that this duty is active not passive and that, as far as is reasonably practicable, ‘relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.’ It is therefore incumbent on the National Park Authority, as the Local Planning Authority, to give weight to the s.245 duty when determining applications.
- 6.5. It is recognised that the s.245 duty runs parallel with other legislation; in this case the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO.) Consideration has been given to the requirements of this duty whilst considering this application.

7. Planning Policy and Assessment

- 7.1. Sections 191 and 192 of the Town and Country Planning Act 1990 allow for anyone to apply to the local planning authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under s192, whether any proposed use or operations would be lawful for planning purposes.

- 7.2. Consideration of applications under s.192 for proposed development depend on whether the subject works comply with Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and, accordingly, regulations 75-77 of the Habitats and Species Regulations 2017.
- 7.3. In this case, in determining an application for prospective development the SDNPA needs to ask, “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?” If the SDNPA is satisfied that the appropriate legal tests have been met, it should grant a lawful development certificate. There is, as a matter of law, no discretion to decline a certificate where it has been demonstrated that the development concerned would be lawful. The planning merits are not relevant at any stage of the process of such an application. Similarly, unless the prior approval of the Local Planning Authority is required on a specific matter, national and local planning policy and guidance is not material and is not relevant to consider when assessing the application. The only matter under consideration is whether the proposed use is lawful.
- 7.4. Once a certificate has been granted following an application under Section 192, it means that any proposed use or development must be presumed lawful, unless there is a material change before the use or development has begun.
- 7.5. The grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements. In this case there is a requirement for the applicant to comply with the requirements of the regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 in order for the proposed use to be lawful.
- 7.6. Three principal steps are taken in determining whether a proposal would be permitted development:
- Any previous planning permissions are checked for planning conditions preventing the proposal;
 - Any Article 4 directions covering the site are checked;
 - Compliance with the relevant schedule of the GPDO.

Planning History

- 7.7. There is no planning history associated with the application site, which is deemed to be agricultural land.

Article 4 Directions

- 7.8. The application site falls within an area of land restricted by an Article 4 direction, which was confirmed on 19 October 1964, which expressly prevents the use of the land as a caravan site. However, the proposal is for a campsite with tents rather than a caravan site and is therefore not prevented by the existing Article 4 direction.

Assessment against the GDPO

- 7.9. The proposed development needs to be assessed against the relevant criteria of Schedule 2, Part 4, Class BC of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), which relates to temporary recreational campsites, to establish whether it falls within the relevant permitted development provisions. This is set out below.
- 7.10. By way of history of this provision, in 2023, the Department for Levelling Up, Housing and Communities published a consultation on changes to permitted development rights to support temporary recreational campsites. The consultation set out the Government’s aim to boost local economies and businesses as well as to enable holidaymakers to visit and stay in popular destinations. In short, the proposal was to increase the number of days campsites can operate. The legislative provisions were subsequently set out in a new permitted development right under Class BC (temporary recreational campsites) of Part 4 (Temporary buildings and uses) of the GDPO to allow for the temporary use of land for the placing of tents and the provision of

moveable structures related to that use for up to 60 days, without having to submit a planning application, subject to specific restrictions and conditions.

- 7.11. Below is a breakdown of the relevant restrictions of Class BC and an assessment of whether these have been met or not met by this application.

Class BC - temporary recreational campsites

Permitted development under Class BC:

Development consisting of—

- a) the use of any land as a recreational campsite for not more than 60 days in total in any calendar year; and
- b) the provision on such land of—
 - i. not more than 50 pitches; and
 - ii. any moveable structure reasonably necessary for the purposes of the permitted use.

MET: The proposal would see the land used for camping for less than 60 days, with 10 pitches and only involving movable structures which are reasonably necessary for the proposed use.

Development is not permitted by Class BC—

- a) on a site of a scheduled monument;
- b) in a safety hazard area;
- c) in a military explosives storage area;
- d) on a site of special scientific interest;
- e) on a site of a listed building;
- f) for the siting of any caravan except a caravan which is used as a motor vehicle designed or adapted for human habitation.

MET:

- a) the application site is not on a site of a scheduled monument;
- b) the application site is not in a safety hazard area;
- c) the application site is not in a military explosives storage area;
- d) the application site is not on a site of special scientific interest (SSSI) - the application site abuts the 'Beeding Hill to Newtimber Hill SSSI' to the south, however the camping use would not be on the site of a SSSI;
- e) the application site is not on the site of a listed building - there are a number of listed buildings in close proximity to the site (Michaelmas Cottage, to the north of the site on the northern side of Edburton Road, being the closest) however the camping use would not be on the site of a listed building;
- f) the application would not involve the siting of any caravan.

Conditions

BC.2 Development is permitted by Class BC subject to the following conditions—

- a) the developer must make on-site provision for users of the campsite of toilet and waste disposal facilities;
- b) the developer must notify the local planning authority in writing before commencement of development in each calendar year, providing a copy of the site plan, which must include particulars of—
 - a. toilet and waste disposal facilities; and
 - b. the dates on which the site will be in use;

- c) the local planning authority (if not the same body as the fire and rescue authority in an area) must as soon as practicable provide to the relevant fire and rescue authority the notice described in paragraph BC.2(b); and
- d) where the proposed development is on land within Flood Zone 2 or Flood Zone 3, the permitted development is subject to prior approval by the local planning authority before commencement of development in each calendar year.

MET: The proposed camp site would include moveable bins and portable toilets. The National Park Authority are not the Fire and Rescue Authority; therefore, notice would be served on the West Sussex Fire and Rescue Service whenever the applicant notifies the local planning authority in writing before commencement of development in each calendar year. The land in question is not within Flood Zone 2 or Flood Zone 3. As such, prior approval is not required in this instance.

Other Matters

Water Neutrality

- 7.12. The site falls within the Sussex North Water Resource Zone. This area is served by groundwater abstraction near Pulborough. This has the potential to impact upon the Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site, both European sites. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on.
- 7.13. S.75 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) states that any planning permission granted by a general development order (which includes the Town and Country Planning (General Permitted Development) (England) Order 2015) (the GDPO) which is likely to have a significant effect on a European site (whether alone or in combination with other plans or projects) must have written approval of the Local Planning Authority under regulation 77 of the Habitats Regulations. This means that if development granted by the GPDO will generate water consumption, it will not be lawful permitted development unless and until the process contained within s.75-78 of the Habitat Regulations has concluded that no adverse impact on the Arun Valley sites will occur. As part of this process, the Authority is required to consult and seek the opinion of the appropriate nature conservation body. In this case, that is Natural England.
- 7.14. The applicant has submitted an associated application under Regulations 77 of the Habitats Regulations, SDNP/25/01262/HRA. Natural England have been consulted as to their opinion.
- 7.15. As above (see paragraph 7.13), this certificate of lawfulness for the proposed use cannot be granted without the prior positive determination that the Proposed Use is not likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) for the purposes of regulation 75 of the Habitats Regulations.
- 7.16. The acceptability of SDNP/25/01262/HRA is considered separately. If the HRA application is approved, this application can be considered to be permitted development under the GDPO. If the HRA application is refused, the LDP application could not be considered permitted development and should be refused.

Article 4

- 7.17. Permitted development rights can be removed by the Local Planning Authority, either by means of a condition on a planning permission or by means of an Article 4 direction. This is a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) (the GDPO) which enables the Local Planning Authority to withdraw specified permitted development rights across a defined area. There must be a clearly identified and particularly strong justification for doing so.
- 7.18. In response to the various third-party requests, the Authority has carefully considered whether to make an Article 4 direction removing permitted development rights from the application site in relation to tents and associated kit.

- 7.19. Class BC of the GDPO does not preclude such temporary uses in National Parks or National Landscapes in the way that other classes do, choosing only to remove the rights from sites of scheduled monuments, safety hazard areas, military explosives storage areas, SSSIs and sites of listed buildings. The introduction of this permitted development right was made to provide rural enterprises with the opportunity to diversify their business for a temporary period. The rights do not extend to permanent changes of use, permanent structures or other works that require express planning permission. Nor do they involve structures like caravans.
- 7.20. The existing permitted development right reflects the government's own aspirations to support the rural and visitor economy, and the second purpose of National Parks to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Any landscape or tranquillity impact is for a limited and restricted period. The right extends to development only of a temporary nature and aligns with the Authority's support for the rural economy and farm diversification. As a matter of judgement, it is therefore not considered reasonable or proportionate to make an Article 4 at this time.

8. Conclusion

- 8.1. After considering the application and the legislative provision, the proposed development is deemed to accord with Schedule 2, Part 4, Class BC of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.2. Subject to the prior positive determination of the associated application under Regulation 77 of The Conservation of Habitats and Species Regulations 2017, the proposal would constitute permitted development, and a Certificate of Lawful use should be GRANTED.

9. Reason for Recommendation

- 9.1. It is recommended:
- 1) That authority be delegated to the Director of Planning, in consultation with the Chairman of the Planning Committee, to GRANT and issue a Certificate of Lawful Use for the application reference SDNP/24/05059/LDP, subject to:
 - i. The prior positive determination of associated application (SDNP/25/01262/HRA) under the Regulations 75 to 77 of The Conservation of Habitats and Species Regulations 2017.
 - ii. Subject to consideration of any substantive issues that are raised as a result of a 21 day notification process associated with submission of a revised plan.The final form of the certificate is delegated to the Director of Planning to issue.
 - 2) That authority be delegated to the Director or Planning to refuse to grant a Certificate of Lawful Use for the application reference SDNP/24/05059/LDP in the event that the associated application (SDNP/25/01262/HRA) under the Regulations 75 to 77 of The Conservation of Habitats and Species Regulations 2017 is refused.

Informative

- I. This certificate relates to 10 pitches only and the Water Neutrality Statement submitted in support of **SDNP/25/01262/HRA**.

Tim Slaney

Director of Planning

South Downs National Park Authority

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SDNPA Consultees: Director of Planning, Legal Services

Background Documents: [All planning application plans, supporting documents, and consultation and third party responses](#)