



Appeal Decision

Site visit made on 15 August 2017

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 September 2017

Appeal Ref: APP/Y9507W/17/3170859

Fox Rough, Selden Lane, Patching, West Sussex, BN13 3UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Ian Tooth against the Council of the South Downs National Park Authority.
 - The application Ref SDNP/16/02564/FUL, is dated 19 May 2016.
 - The development proposed is change of use of forestry land to a campsite for a maximum of 30 pitches with associated car parking (1st April - 31st October).
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Preliminary matters

1. The appeal was made against non-determination. The Council issued a refusal notice on 12 October 2016 and I have considered the appeal on the basis of the reasons for refusal contained therein.
 2. The area within the red line shown on the application plans excludes the existing toilet block, washing up facilities, showers and the access to the site. These facilities are shown within the area delineated by the blue line which indicates other land owned by the appellant. I have considered the appeal on this basis.
 3. Subsequent to the refusal notice and following discussions with Council Officers culminating in a comprehensive summary email from the Council on 22 December 2016, the appellant submitted a significant amount of new and updated information with the appeal documents in March 2017. These included a 2 page Camping Management Plan, an Ecological Impact Statement, an unnumbered Campsite Layout Plan including a substantially altered red line area, an Environmental Report, a Services Plan, a Flood Zone 1 plan, a Woodland Management Plan dated February 2017 and a Parking Location Plan. The Procedural Guidance on Planning Appeals advises that the appeal process should not be used to evolve a scheme and that what is considered at appeal should essentially be what was considered at application stage. In the *Wheatcroft* judgement the High Court considered the issue of amendments in the context of conditions and established that "the main, but not the only criterion on which....judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation".
 4. Normally, if it is considered that amendments will overcome the Council's objections, a fresh application should be made, in order that everyone
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concerned has an opportunity to be consulted. In this case some of the new documents are non-controversial and helpful, but the new red line area, the Camping Management Plan, Layout Plan/Parking Layout, Services Plan, Ecological Impact Statement and updated Woodland Management Plan contain information which would be of interest to neighbouring occupiers, several of whom have objected, and who may not have seen the documents on the Council's website. The information goes beyond that which could be considered as 'adding clarity'. The planning authority has indicated that the new information should not be taken into account. I have considered the appeal on the basis of the information available at the application stage.

Decision

5. The appeal is dismissed and planning permission refused for change of use of forestry land to a campsite for a maximum of 30 pitches with associated car parking (1st April - 31st October).

Main Issues

6. The main issues are as follows:
 - The effect of the proposed change of use on the character and appearance of the area; and
 - The effect on biological diversity.

Reasons

Background

7. The appellant carries out forestry operations in the form of charcoal burning and production of wood products in Fox Rough, an area of about 14 hectares (ha) around 400 metres (m) north of the A27 and west of the village of Patching. The area is popular with walkers and cyclists as it provides easy access to the Angmering Estate, an attractive part of the South Downs National Park (SDNP). For the last 2 years, the site has been used for camping for 28 days per year as permitted development. The appeal scheme seeks to regulate this by limiting the number of pitches to 30 (at present there is no control on numbers). The appellant confirmed at the site visit that each pitch would be 4m x 6m and I have considered the appeal on this basis.

Character and appearance

8. Fox Wood is a commercial oak plantation. It lies in a natural dip in the landscape along a winterbourne stream. Forestry operations have resulted in small clearings which have encouraged woodland regeneration and ground vegetation. A large shed is used for the forestry activities, maintenance equipment and storage. Showers and washing up facilities are provided adjacent to the shed in small informal ancillary structures. A toilet block was provided in 2014 in connection with forestry use of the land.
9. Pitches are currently located in informal groups along a central spine track, but there is no firm indication of the siting of the designated camping areas and pitches and the associated fire pits provided on the application drawings. There is no indication of the design and appearance of other facilities such as car parking and bin stores. This is important from the point of view of helping to understand the effect on the character and appearance of the area, especially as the camping and parking areas can be seen from Selden Lane. Based on a

firm plan, it would be possible to assess whether any conditions are necessary to control the proposed use. Whilst I have seen the current camping areas on the site, a more definitive plan needs to be provided to show the proposed arrangements.

10. Whilst it is understood that use of the existing sawmill toilets for 28 days a year for a limited number of people might be appropriate, it is unclear whether the facilities would be appropriate for the proposed 30 pitch camping operation alongside the forestry business. No analysis is provided to show whether any of the existing facilities would be adequate for the proposed use. It would not be appropriate to grant planning permission for 30 camping pitches when essential facilities are provided for another purpose entirely and are outside the red line area. That might lead to another application which would further add to the amount of built development.
11. The provision of bin stores of some kind for campers' rubbish and waste would be an essential feature of a campsite running for 7 months of the year, to avoid the likelihood of fly tipping in this sensitive area. The new camping site plan published on the Council's website in July 2017 shows a designated waste collection point within a new red line area and if this had been submitted with the application and other information was comprehensive, on this basis, conditions requiring details could have been imposed. However none of the essential facilities necessary are within the red line site area on the application drawings for which change of use is sought. In addition, the appellant advises that the red line area excludes a 30-40m woodland margin. This is in order to leave it overgrown, but it is unclear why it would not still need to be managed. The location of the proposed deer fence has not been provided relative to this margin. It is also unclear to what extent the existing charcoal and timber processing business would continue when the campsite would operate, especially at the beginning and end of the season. That could lead to an unacceptable level of disturbance.
12. The toilets, showers and washing-up areas are informal and basic and subservient to the large shed. Parking and 30 pitches would not be an intensive use of the space available. I consider that in principle the proposed use would be proportionate and would provide a useful rural tourism resource, but without more firm information on the arrangement of pitches and the location and specification of essential facilities with a correct red line plan, it could not be effectively controlled. The impact on character and appearance would be left open to an unacceptable level of doubt.
13. Saved policy GEN7 of the Arun District Local Plan of 2003 (LP) is a general policy requiring a high quality of design and layout. Saved policy DEV39 of the LP advises that new touring caravan and camping sites outside the built-up area will be granted planning permission subject to certain criteria. The National Planning Policy Framework (NPPF) supports sustainable rural tourism which respects the character of the countryside at paragraph 28. According to paragraph 115, great weight should be given to conserving landscape and scenic beauty in designated areas such as National Parks, which have the highest status of protection in relation to landscape and scenic beauty. It has not been shown in this case that the requirements of policy GEN7 of the LP, policies of the NPPF and the purposes set out in the SDPMP would be met.

Biological diversity

14. The NPPF advises that the conservation of wildlife is an important consideration that should be given great weight in National Parks. The National Park and the South Downs Partnership Management Plan (SDPMP) says that the SDNP has 2 purposes: to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of the SDNP by the public: where a conflict exists, conservation takes precedence.
15. A Preliminary Ecological Appraisal (PEA) was submitted in August 2016 following comments from the County Ecologist. The woodland, despite its commercial origins, is surrounded by other woodland and fields and is within 500m of 6 ponds. It is likely to provide foraging and shelter for a significant amount of wildlife, a benefit acknowledged by the appellant and a draw for potential campers. The PEA is based on a desk study and site walk round. It acknowledges that the site has the potential to support a number of protected species. It is then counter-intuitive, without more survey information, to suggest that the proposed change of use involving perhaps 150 campers regularly (32000 over the course of a season), all encouraged to roam (and associated recreational activities, fencing and car parking), would not have any significant effect at all on protected species. Moreover, the location of all the facilities is important in considering any ecological impacts. In light of the lack of any proposal to address the potential impact of the change of use on the ecological value of the wood, and the omission of any plan at all for the margins where most of the understorey is, I conclude that it has not been shown that the conservation of wildlife on the site has been given the great weight required by NPPF paragraph 115; or that the change of use would have a satisfactory relationship with wildlife, contrary to saved LP policy GEN7.

Other matters

16. I have had regard to the potential for flooding and the adequacy of the proposed sewage treatment, but find nothing to suggest that there would be any unacceptable risks for campers or nearby occupiers. The potential for noise and disturbance troubling nearby occupiers is mitigated by distance and extant noise from the A27 and other activities in the area such as wedding receptions at Old Selden Farm and music at the public house on the old A27. Having said that, it is possible that occupiers of properties to the west would notice an increase in noise. The exact location of pitches is important in assessing the potential effect on neighbouring occupiers who have objected on the basis of the noise emanating from the existing operation. If trampolining (identified as a popular activity by the appellant) was carried out regularly close to the boundary, that would have the potential to increase noise levels. This issue leads back to the lack of information on the location of activities within the site.

Conclusion

17. For all the above reasons, the appeal should be dismissed.

Paul Jackson

INSPECTOR