

MID SUSSEX DISTRICT COUNCIL

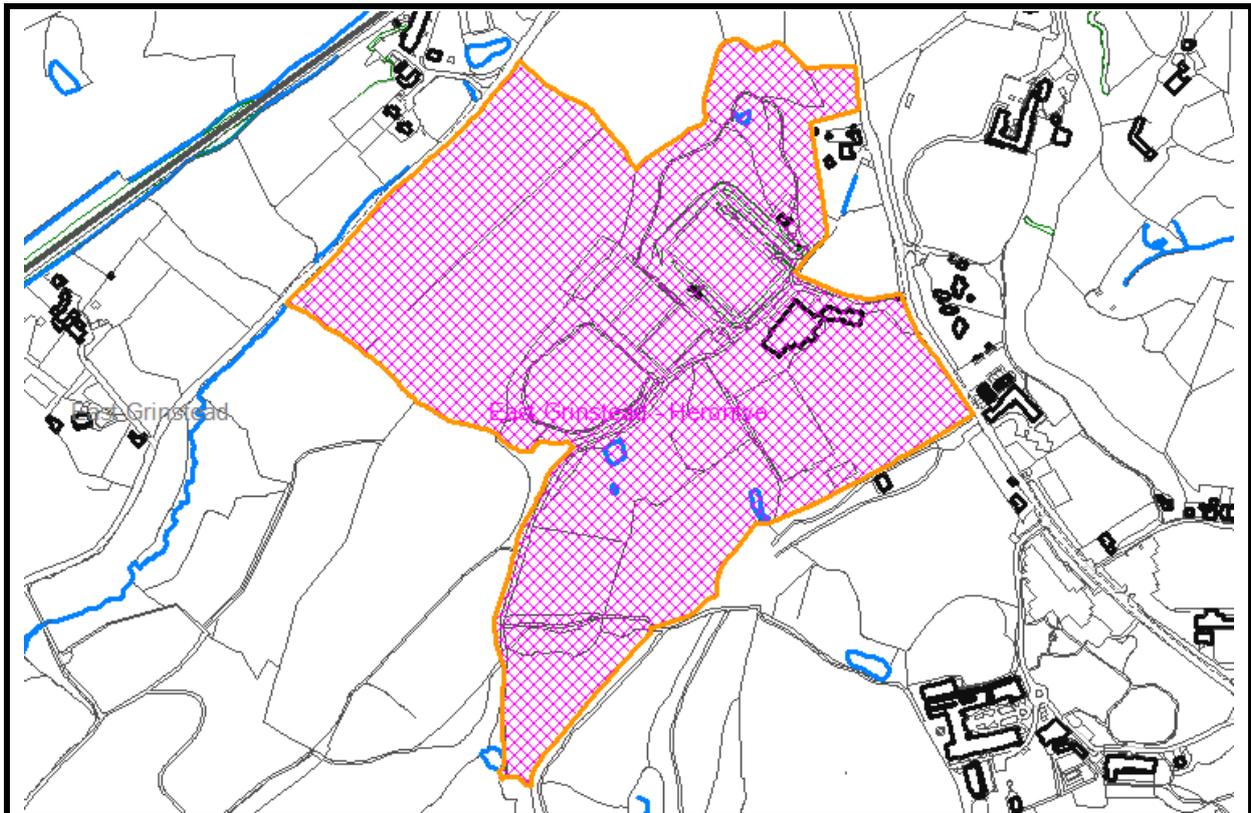
Planning Committee

12 NOV 2020

RECOMMENDED FOR REFUSAL

**East Grinstead**

DM/20/1647



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**EAST GRINSTEAD SPORTS CLUB SAINT HILL ROAD EAST GRINSTEAD  
WEST SUSSEX  
CHANGE OF USE FROM AGRICULTURAL TO A SPORTS FIELD WITH  
THE ERECTION OF A YURT.  
EAST GRINSTEAD SPORTS CLUB**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Miscellaneous Charges / Public Right Of Way / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order /

Highways and Planning Agreement (WSSC) / Minerals Local Plan  
Safeguarding (WSSC)

ODPM CODE: Change of Use

8 WEEK DATE: 12th August 2020

WARD MEMBERS: Cllr Dick Sweatman / Cllr Adam Peacock /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

This application seeks planning permission for a change of use of an agricultural field to a sports field and the erection of a yurt at East Grinstead Sports Club, Saint Hill Road, East Grinstead.

Planning law states that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case the development plan comprises the District Plan (2018) and the East Grinstead Neighbourhood Plan (EGNP) (2016). The National Planning Policy Framework (NPPF) is an important material planning consideration. The planning history of the site is also a material planning consideration.

The site is within the countryside and policy DP12 in the DP states that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in this area provided it maintains or where possible enhances the quality of the rural and landscape character and is supported by a specific policy reference elsewhere in the plan.

The proposal would enhance the facilities that are offered at the site and would allow an increased use of the field for football. These improvements and an extension of the use of the field are supported by policies DP24 and DP25 in the DP. As such these matters weigh positively in the planning balance.

As well as being in the countryside, the site is within the High Weald AONB, where policy DP16 in the DP states that development will only be permitted where it conserves or enhances natural beauty. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

It is your officer's view that the proposed yurt would be located in a relatively unobtrusive part of the site, in the southwest corner of the field. It is felt that this

structure would conserve the AONB. With regards to the increased use of the field, this would serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to the impact of the proposal on the amenities of neighbouring properties, policy DP26 of the DP seeks to protect the amenities of existing residents from development that causes a significant loss of amenity. It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since 2011 when a similar application was refused, with one of the reasons for refusal relating to the impact on neighbour amenity. There are objections from the occupiers of the neighbouring properties to the current proposal who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's Environmental Protection Officer (EPO) does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The Planning Practice Guidance (PPG) advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

In respect of highways matters, there are no objections to the proposal from the Highway Authority. The access to the public highway would not change and nor would the internal layout within the site. It is therefore felt that there are no grounds to resist the application based on highways matters.

With respect to ecological matters, the site is adjacent to Ancient Woodland. The Council's Ecological Consultant has not objected to the application and has recommended conditions to protect ecology. With such conditions in place it is considered that there are no grounds to resist the scheme on ecological matters.

Drawing all the matters together, there is policy support for the enhanced facilities that would be offered by this proposal, which weighs in favour of the proposal. In your officer's view, it would be difficult to resist the application based upon the impact on neighbouring amenity when there is no objection to the scheme from the EPO. If Members were concerned about this element of the application, officers consider that a temporary planning permission could be used to allow a trial run of the proposal to assess the impact on neighbouring amenity. If this was the view of the committee, officers would suggest that a period of 18 months would be reasonable.

Weighing against the scheme is the fact that the site is within the High Weald AONB and the increased use of the field would serve to formalise and make permanent this change of use of the land in an area that is separated from the buildings and existing facilities at the sports club. It is not felt that this would conserve the appearance of the AONB. In this respect the position has not changed since a similar application was refused by the Local Planning Authority (LPA) in 2011.

To conclude it is considered that this is a finely balance application, which has generated a significant number of representations, both in support and against the proposal. It is considered that on balance, the proposal would not conserve or enhance the character and appearance of the High Weald AONB and for this reason, the application cannot be supported.

### **Recommendation**

It is recommended that planning permission be refused for the following reason:

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the proposal conflicts with policy DP16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan and paragraph 172 of the NPPF.

## **SUMMARY OF REPRESENTATIONS**

30 letters of objection:

- Will have a detrimental impact on the character of the High Weald AONB;
- A yurt is a temporary structure but the application indicates the applicants intend it to be a permanent feature;
- A previous application for a change of use of this field (11/01469/COU) was refused by the Council on 30 August 2011 and the reasons for refusal of the scheme remain valid now;
- Site is an exposed and elevated position and the granting of this application would be the first incursion into the Hazelden Valley;
- Will be contrary to the High Weald Management Plan;
- Contrary to the East Grinstead Neighbourhood Plan;
- Application is misleading as it makes no mention of using the site for football pitches which is the intention of EGSC;
- Current use of the land already causes noise disturbance;
- Will disturb wildlife, including deer;
- Car parking is inadequate and this will cause further highway safety and parking issues;

- Lack of toilet and waste facilities for increased usage - local residents around the site (including at Saint Hill Road, Hazelden Place and Turners Hill Road) already experience players using the field and surrounding areas as toilets;
- East Grinstead Sports Club have a history of non-compliance and retrospective use of the planning process which is well evidenced;
- The size of the yurt does not require the full 33 acres to be converted and the application is misleading;
- The erection of the yurt is just a pretext to convert 33 acres of legally protected land within an AONB into football pitches;
- Opens the floodgates for more development, including floodlighting

53 letters of support:

- This is a fantastic opportunity to provide much needed sports facilities which the town severely lacks;
- We are limited to Imberhorne Rec, East Court or King George's Field and the repair and maintenance of the fields is minimal. This site will give extra space for children to play football and should be supported;
- I think the yurt is a great idea because it will allow the children to stay within the proximity of their base camp should the weather turn bad and therefore maintain that nature connection even when it rains hard, it will increase the children's safety as they will not have to cross a busy carpark, it will, overall, allow everyone involved to adhere to government's guideline related to this pandemic as the children will be able to remain in their safety bubble throughout the year and especially in Autumn and Winter;
- Will allow children to explore the great outdoors;
- I am sure that planning legislation was not designed to inhibit children playing sport in an otherwise unused field

East Grinstead Society: Recommend refusal. While this application appears to be laudable this is yet another incursion into the AONB. What restrictions are proposed to limit the number of children participating and to stop the area being used for yet further activities in the future. We are still concerned about the adequacy of the pavementless Saint Hill Road which is the only access to the Sports Club.

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **Highway Authority**

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

### **Ecological Consultant**

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to conditions.

## **Leisure Officer**

The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.

## **Environmental Protection Officer**

I have no objection to this application.

## **TOWN COUNCIL COMMENTS**

Would Support Approval

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## **INTRODUCTION**

This application seeks planning permission for a change of use of an agricultural field to a sports field and the erection of a yurt at East Grinstead Sports Club, Saint Hill Road, East Grinstead.

## **RELEVANT PLANNING HISTORY**

Outline planning permission for a new sports pavilion and sports hall at East Grinstead Sports Club was originally granted in 1992. Since this approval and the construction of the pavilion there have been a number of subsequent applications for various proposals at the site, a number of which relate to internal uses of the approved building.

Of most direct relevance to this application, is a previous application that sought consent for a change of use from an agricultural land to a sports field (reference 11/01469/COU). This field is the same site as the current application. This previous application was reported to the North Area Planning Committee on 25th August 2011 and was refused in accordance with the officer's recommendation for the following reasons:

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the application is deemed to fail to comply with Policies CC1 and CC6 of the South East Plan and policies C1, C4 and R8 of the Mid Sussex Local Plan.
2. It is considered that the open and elevated position of the site, in combination with its proximity to adjacent residential dwellings will have a significant detrimental impact on the amenity of the nearby residents by virtue of noise and disturbance, contrary to the aims of Policy B3 of the Mid Sussex Local Plan.

It is also relevant to note that the Sports Club have been using the land the subject of this application for occasional sporting purposes under Part 4 of the Town and Country Planning (General Permitted Development) Order, which allows the use of any land for any purpose for not more than 28 days in total in any calendar year, and the provision on that land of any moveable structure for the purpose of the permitted use.

## **SITE AND SURROUNDINGS**

East Grinstead Sports Club occupies a substantial amount of land on the western side of Saint Hill Road, close to the Hazeldene crossroads on the outskirts of the town of East Grinstead. The site currently hosts a substantial two-storey club building/pavilion located close to Saint Hill Road, with sports fields to the front and rear.

Car parking for the club is located mainly on the western side of the building, however there is some parking at the entrance to the site immediately adjacent Saint Hill Road, and along the access road leading to the main car park.

The site the subject of this specific application lies to the north west of the main sports club site at a lower level to the netball courts. It is a relatively flat area of land, particularly the southernmost part of the site, the land having been raised and levelled with the material removed during the construction of the adjacent netball courts. At the western extremity of the site, the land drops sharply down to the Turners Hill Road. The opposite side of which are the dwellings at Hazeldene Farm.

The site is within the countryside as defined by the District Plan and is also within the High Weald Area of Outstanding Natural Beauty (AONB).

## **APPLICATION DETAILS**

The application seeks a change of use of a field at the western side of the site from an agricultural to a sports field. The field in question is broadly rectangular in shape and measures some 340m by 110m.

The proposed yurt would be located in the south-eastern corner of the field the subject of this application. The yurt is some 7.25m in diameter.

The applicants have provided a supporting statement to explain their proposal. In summary it makes the following points:

- *East Grinstead Sports Club (EGSC) is a not for profit charity established to provide sporting facilities for the community of East Grinstead and the surrounding areas for both members and non-members. The facility is open to the general public. It is the home of over 20 sports clubs and organisations and used by local visitors of all ages, abilities and backgrounds.*
- *EGSC wants to encourage the very young to its facilities to encourage them into participating in sporting and recreational activities provided and encourage family usage. The education for young children is the first step in*

*this chain and to build the yurt in the dip of the field, where it is shielded from all neighbouring properties and out of sight is a good use and linked to EGSC's goal of providing education & recreational activities on the property it owns.*

- *The club is set in grounds of approximately 33 acres, which includes woodland and a field currently designated for agricultural use. Since October 2018 EGSC has allowed Treehoppers Forest Kindergarten (TFK) to use some of the outdoor space & an area of woodland to create a small outdoor nursery and forest school.*
- *At present TFK uses only temporary shelters and storage facilities on site. However, the winter of 2019/20 with regular high winds, storms and an unprecedented level of rainfall made this a particularly challenging time for them. This application is to obtain permission for TFK to erect a yurt in the corner of the field to provide them with more sturdy, weatherproof storage and an outdoor shelter for the children to use in very poor weather.*
- *Parking from Kindergarten parents has not been an issue to date as there is ample car parking available at EGSC and pick up and collections do not occur during the club's peak times.*

In response to questions about the proposed use of the field the applicants have responded as follows:

- *There is no intention to erect floodlights or to reprofile the land. The land is used by The Meads FC a junior Club for youths up to 18. Currently the land is used 28 days a year*
- *During the pre season (July to September) midweek activity would be limited to Tuesday to Thursday from 6pm to 8.30pm*
- *During the season (September to April) activity would be limited to:*
  - *Saturday mornings (9am to midday) and afternoons (2pm to 4pm)*
  - *Sunday (9am to midday)*
- *The number of attendees at any one time for matches would be in the region of 30 to 40 people depending on the age group*
- *Its not envisaged that there will be a greater demand for car parking as the football club already uses the area and we are only looking to increase the number of days we run the sessions, not the numbers attending any session*
- *The field would be used at the quieter times of other sports who use the EGSC. The peak sessions for other sports is mid-week evenings during the winter months when the field will not be used*

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 Protection and enhancement of countryside  
DP16 High Weald Area of Outstanding Natural Beauty  
DP21 Transport

DP24 Leisure and cultural facilities and activities  
DP25 Community facilities and local services  
DP29 Noise, air and light pollution  
DP37 Trees, woodlands and hedgerows  
DP38 Biodiversity

## **Neighbourhood Plan**

The East Grinstead Neighbourhood Plan was made on 2 November 2016 and forms part of the development plan for this part of Mid Sussex.

Policy EG1 Protection of the High Weald AONB  
Policy EG2 Areas of Development Constraint  
Policy EG15 Alternative Sports Provision

### *National Planning Policy Framework (NPPF) (Feb 2019)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## *National Planning Policy Guidance*

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the East Grinstead Neighbourhood Plan (EGNP).

There are a number of important issues to be considered in the assessment of this application. These are:

- Planning Policy
- Impact on character of the site and AONB landscape
- Neighbour amenity
- Highways matters
- Biodiversity
- Planning balance and conclusion

## **ASSESSMENT**

### **Planning Policy**

The site lies within the countryside as defined in the DP. Policy DP12 states:

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

*Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.*

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.*

*Economically viable mineral reserves within the district will be safeguarded'*

Therefore as a matter of principle, development within the countryside should maintain or where possible enhance the quality of the rural and landscape character of the District and either be necessary for agriculture or be supported by a specific policy on the DP or Neighbourhood Plan.

Policy DP24 in the DP states:

*'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.*

*The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.*

*Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.*

*Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:*

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

Policy DP25 in the DP states:

*'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*

*Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

*The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.*

*Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'*

The EGSC is a community facility that provides important leisure users and opportunities. It is considered that as a matter of principle, policies DP24 and DP25 do provide support for this application and can be viewed as the 'specific policy reference' that is referred to in policy DP12. The Councils Leisure Officer advises that *'The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.'* The report to the Scrutiny Committee for Community, Customer Services and Service Delivery on 8th July 2020 set out the Playing Pitch Study for the District and the associated indicative implementation plan. The indicative implementation plans within the report refers to additional football pitch provision at the East Grinstead Sports Club. It states *'Investigate further land options on the site and whether 'Dave's Field' or adjacent provision could fulfil requirements (may have planning constraints).'* It is clear therefore that the Council is considering whether there is scope for additional pitch provision at this site, whilst recognising that there may be planning constraints that impact on this.

In light of all the above it is considered that the change of use of the land could be considered favourably as a matter of principle, given the above policies and the fact that the EGSC is a well established sports facility in the countryside.

The provision of the yurt would improve the facilities that are provided by Treehoppers Forest Kindergarten (TFK) on the site. It is considered that the provision of the yurt and the enhanced facilities offered by TFK weigh positively in the planning balance.

### **Impact on character of the site and AONB landscape**

Policy DP16 in the DP states:

*'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;*

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

*Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.*

*Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*

Policy EG1 in the EGNP states:

*'Within the High Weald Area of Outstanding Natural Beauty planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF.*

*Planning permission for other forms of development will be granted where the proposals are for the:*

- (i) Conversion of redundant buildings;*
- (ii) Replacement, on a like for like basis, of existing buildings; or*
- (iii) Extension of an existing dwelling house relate to agricultural development or some other minor recreational use;*

*Provided that for each of the above (i, ii and iii) all of the following criteria are met:*

- *The highest standards of Design are achieved;*
- *The natural and scenic beauty of the landscape is conserved or enhanced;*
- *The proposals do not result in an obtrusive feature in the landscape.*

*The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.'*

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

With regards to the physical impact on the character of the AONB from the change of use of the agricultural field, the application does not propose any further reprofiling of the land and does not propose any floodlighting. The land is broadly level and the grass is cut to allow this area of land to be used temporarily as sports pitches under permitted development rights. The physical changes would therefore be limited to the marking out of the pitches and the stationing of goal posts. The applicants have stated that the goal posts would be the same as are on site at present and they would be stored in a similar position to the current location when not in use. They have also advised that the pitch markings would be done on a week by week basis as required during the playing season only and would not be permanent markings. They state the line marking used would be a water-based, biodegradable and environmentally-friendly product and it is not their intention to permanently mark the pitches as this they have found this creates ruts in the surface.

*In the assessment of the impact of the 2011 application (11/01469/COU) on the AONB, the officers report stated 'it is considered that the use of this land as a formalised sports pitch will negatively affect the natural characteristics of the landscape, contrary to the aims of Policy C4 of the Mid Sussex Local Plan. This is particularly emphasised by the very open nature of the site, at its elevated position with no natural screening to the north-west boundary. This is a large area of land, which is quite visually detached from the existing sports club facilities and to further extend the sports club pitches into this location is considered inappropriate and harmful to the rural qualities of the locality.'*

The development plan has changed since this 2011 application was determined. In 2011 the development plan comprised the South East Plan and the Mid Sussex Local Plan. The development plan now comprises the District Plan and the East Grinstead Neighbourhood Plan. The site remains within the High Weald AONB.

With regards to policy DP16, it is not considered that the proposal would enhance natural beauty. Whilst there would be limited physical changes from the proposed

change of use of the land (which it is acknowledged has already been altered to have a more man made appearance to allow the playing of sport), the proposal would nonetheless serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to policy EG1 in the EGNP, the site of the planning application is more than 1 hectare and therefore it is classed as 'major' development by The Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 172 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks<sup>53</sup> and the Broads<sup>54</sup>. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major developments<sup>55</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Footnote 55 states that *'For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'*

Therefore, there can be a difference between a proposal that is a 'major' development for the purposes of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and a 'major' development for the purposes of paragraph 172 of the NPPF.

Legal advice provided to the South Downs National Park by James Maurici QC, known as the "Maurici opinions", in 2011 and 2014 states that it is wrong to apply the rigid criteria contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015, for defining major development in designated areas.

The purposes for which the High Weald AONB has been designated is set out within the High Weald AONB Management Plan Statement of Significance. The Statement of significance in part states:

*'Five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.*

- 1. Geology, landform and water systems - a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams.*
- 2. Settlement - dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries.*
- 3. Routeways - a dense network of historic routeways (now roads, tracks and paths).*
- 4. Woodland - abundance of ancient woodland, highly interconnected and in smallholdings.*
- 5. Field and Heath - small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.*

- Land-based economy and related rural life bound up with, and underpinning, the observable character of the landscape with roots extending deep into history. An increasingly broad-based economy but with a significant land-based sector and related community life focused on mixed farming (particularly family farms and smallholdings), woodland management and rural crafts.*
- Other qualities and features that are connected to the interaction between the landscape and people and which enrich character components. Such qualities and features enhance health and wellbeing, and foster enjoyment and appreciation of the beauty of nature. These include locally distinctive features which enrich the character components such as historic parks and gardens, orchards, hop gardens, veteran trees, along with their rich and varied biodiversity, and a wide range of appealing and locally distinctive historic buildings including oast houses, farm buildings, Wealden Hall houses and their associated features such as clay-tile catslide roofs. People value the wonderful views and scenic beauty of the High Weald with its relative tranquillity. They appreciate the area's ancientness and sense of history, its intrinsically dark landscape with the opportunity to see our own galaxy - the Milky Way - and the ability to get close to nature through the myriad public rights of way.'*

The proposal is not considered to be major development in terms of NPPF footnote 55 because it would not result in significant change to the five matters highlighted from the High Weald AONB Management Plan Statement of Significance.

Policy EG1 in the EGNP refers to major development proposals in the AONB being refused unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF. The EGNP was adopted when the 2012 version the NPPF was in force and this version of the NPPF did not contain a footnote to explain what 'major' development meant in the context of the AONB. It is your officers view that whilst the EGNP refers to major development in the AONB being refused, as the 2019 version of the NPPF is more recent, it is reasonable to give more weight to paragraph 172 in the NPPF which requires an assessment as to whether the proposal is a 'major' development for the

purposes of the NPPF rather than whether it is a 'major' development under The Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposed yurt would be located in the southwestern corner of the field. It would be reasonably well tucked away and it is felt that its positioning would conserve the character and appearance of the AONB.

Taking all of the above into account, whilst this is not felt to be a major development in the AONB as referred to in the NPPF, in this case it is felt on balance, that the formalisation and permanent use of this field for sports pitches would negatively impact on the existing quality of the protected landscape and therefore there is a conflict with both policy DP16 in the DP and policy EG1 of the EGNP.

### **Neighbour amenity**

Policy DP29 in the DP relates to noise, air and light pollution and states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development;*  
*or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

*Light pollution:*

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

*Air Pollution:*

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

With regard to the impact on neighbour amenity there have been a large number of objections raised in relation to this proposal, from both immediate neighbours and those living further afield. Most of them comments on the effects of the existing sports club in terms of the effect of the existing flood lighting and noise disturbance.

This application does not propose the erection of flood lighting. As such light pollution is not an issue with this application. The impact on the amenities from noise disturbance is considered to be a key consideration in the assessment of this proposal.

The closest neighbours lie to the north west of the application site, at a distance of some 135 metres at the very closest. Due to the fall in ground levels from the site to these closest dwellings they are prominent when viewed from the application site.

The Councils Environmental Protection Officer (EPO) has no objection to the application and is of the view that the nearest properties are a sufficient distance away for there not to be an effect on their amenities arising from noise from the proposal that would justify a recommendation to refuse the application. Whilst the previous application in 2011 was refused on neighbour amenity grounds in relation to noise, the Councils EPO was not consulted on that application. It is acknowledged that consistency is important within the planning system, but it is also the case that each application must be determined on its individual merits. Therefore this application must be looked at afresh having regard to the current planning policy, national guidance and the facts on the ground as they are now.

In terms of the differences between this proposal and the previously refused application, the applicants have stated that the site would be used by EG Meads FC, which is a youth football club. They state that there would be no adult football which should ensure no bad language, which was a concern with the 2011 application.

In 2011, the officers report to committee stated '*..it is likely that sounds (shouting, whistle blowing etc.) travelling down to these dwellings will be extremely noticeable and amplified by the natural fall in ground levels. Whilst no noise surveys have been submitted with the application to demonstrate the impact on these closest neighbours, either existing or proposed, the closer proximity of the proposed pitches*

*will undoubtedly bring the current disturbances experienced by these neighbours, as evidenced by their objections, even closer.*

*Policy B3 of the Mid Sussex Local Plan seeks to protect the amenities of existing residents from development that causes unacceptable noise and disturbance. It is considered that the proposed use of this large expanse of land so much closer to these adjacent dwellings will cause a significant loss of amenity to the residents, above and beyond the disturbance they currently experience, contrary to the aims of this policy.'*

It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since the 2011 application and there are objections from the occupiers of these properties to the current proposal who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's EPO does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The PPG advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

## **Highways matters**

Policy DP21 in the DP states:

*'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the*

*countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*

- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

The reference to avoiding severe additional traffic congestion reflects paragraph 109 in the NPPF which states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal does not involve any changes to the existing access to the site onto Saint Hill Road or to the car parking within the site. The Highway Authority state *'Considering the potential of the existing use, and that the yurt will replace temporary shelters/structures, the LHA does not anticipate that this proposal would give rise to a material intensification of movements to or from the site. Furthermore, from inspection of local mapping, there is ample parking provision on site.'*

*An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.'* They conclude by stating *'The LHA does not consider that this proposal would have an unacceptable*

*impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'*

With regards to car parking, there are some 207 spaces at the site and the applicants have advised that a further 20 will be created when money is available. The applicants have stated that they do not envisage a greater demand for car parking at the site as the field would be in use at quieter times of other sports who use the East Grinstead Sports Club.

Whilst concerns have been raised about the level of car parking on the site, the use of the field for football is taking place under permitted development rights for 28 days a year at present and the evidence from the Highway Authority is that this has not caused a problem in relation to highway safety. The Highway Authority have raised no objection to the application. In light of these points it is not considered that the application should be resisted on highway grounds.

## **Biodiversity**

Policy DP37 in the DP relates to trees, woodland and hedgerows. Amongst other things the policy seeks to protect ancient woodland and states development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

The site is adjacent to a belt of Ancient Woodland that runs alongside the south-eastern boundary of the site.

Paragraph 175 (c) in the NPPF states that when determining planning applications *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.'*

Policy DP38 in the DP seeks to protect bio diversity.

In respect of the proposed yurt, the Councils Ecological Consultant has stated *'Whilst the indicated position for the yurt appears to be within 15m of ancient woodland, given the low impact and temporary nature of a yurt and its intended use for outdoor education, I am of the view that this would be unlikely in itself to lead to deterioration of the woodland ecosystem. Therefore, I do not consider that the proposal is contrary to the purpose of DP37 of the district plan or the NPPF. The activities it facilitates are, in principle, important in teaching children about nature and encouraging them to cherish these important habitats. There is obviously a balance to be struck between this and ensuring that the intensity of use is not so great as to threaten the thing they are there to enjoy and learn about, but it is encouraging to see that advice has been sought from the wildlife trust and I realise that use of the woodland this is outside the scope of the application in any case.'* In light of these comments it is not considered the yurt should be resisted on ecological grounds.

With regards to the impact of the change of use of the field on ecology, the Councils Ecological Consultant has stated *'The comments on the grassland being re-seeded in 2008 are supported in part by historic aerial imagery which shows a large proportion of the area being bare soil around this time. Assessment of the remaining portion from aerial imagery and consideration of the management it has clearly been subject to suggests that the remainder is improve and of low conservation value.'*

*I note that it is not proposed to light the sports field, which addresses this issue.*

*I note the intention to maintain a 10m buffer between the edge of the ancient woodland and any fertilizer use. Research indicates that a 10m buffer may be sufficient to avoid the most damaging impacts on woodland associated with adjacent agricultural use of herbicides and fertilizers, but that impacts on sensitive species have been shown as far as 12 m . Whilst the minimum 15m ancient woodland buffer required by Policy DP37 is not designed specifically with spray and fertilizer drift in mind, it does serve the purpose of keeping an adjacent strip of land as natural as possible / preventing further intensive land use to protect edge habitats and species using woodland edges such as bats, that rely on invertebrate diversity which is negatively associated with the use of agrochemicals; it would also provide a safety margin over the maximum distances for effects found in the study cited. Therefore, if consent is granted, I would recommend a condition prohibiting application of fertilizers or pesticides within 15m of the ancient woodland.'*

It is considered that a condition could be imposed to address the issue of fertilizer use to prevent this taking place within 15m of the ancient woodland. In light of all the above it is considered that there are no grounds to resist the application on ecological matters.

## **CONCLUSION**

To conclude it is considered that this is a finely balance application, which has generated a significant number of representations, both in support and against the proposal. Planning law states that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case the development plan comprises the DP and the EGNP. The NPPF is an important material planning consideration. The planning history of the site is also a material planning consideration.

The site is within the countryside and policy DP12 in the DP states that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in this area provided it maintains or where possible enhances the quality of the rural and landscape character and is supported by a specific policy reference elsewhere in the plan.

The proposal would enhance the facilities that are offered at the site and would allow an increased use of the field for football. These improvements and an extension of the use of the field are supported by policies DP24 and DP25 in the DP. As such these matters weigh positively in the planning balance.

As well as being in the countryside, the site is within the High Weald AONB, where policy DP16 in the DP states that development will only be permitted where it conserves or enhances natural beauty. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

It is your officers view that the proposed yurt would be located in a relatively unobtrusive part of the site, in the southwest corner of the field. It is felt that this structure would conserve the AONB. With regards to the increased use of the field, this would serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to the impact of the proposal on the amenities of neighbouring properties, policy DP26 of the DP seeks to protect the amenities of existing residents from development that causes a significant loss of amenity. It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since the 2011 application when a similar application was refused, with one of the reasons for refusal relating to the impact on neighbour amenity. There are objections from occupiers of the properties adjacent to the site who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's EPO does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The PPG advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

In respect of highways matters, there are no objections to the proposal from the Highway Authority. The access to the public highway would not change and nor would the internal layout within the site. It is therefore felt that there are no grounds to resist the application based on highways matters.

With respect to ecological matters, the site is adjacent to Ancient Woodland. The Council's Ecological Consultant has not objected to the application and has recommended conditions to protect ecology. With such conditions in place it is considered that there are no grounds to resist the scheme on ecological matters.

Drawing all the matters together, there is policy support for the enhanced facilities that would be offered by this proposal, which weighs in favour of the proposal. In your officer's view, it would be difficult to resist the application based upon the impact on neighbouring amenity when there is no objection to the scheme from the EPO. If Members were concerned about this element of the application, officers consider that a temporary planning permission could be used to allow a trial run of the proposal to assess the impact on neighbouring amenity. If this was the view of the committee, officers would suggest that a period of 18 months would be reasonable.

Weighing against the scheme is the fact that the site is within the High Weald AONB and the increased use of the field would serve to formalise and make permanent this change of use of the land in an area that is separated from the buildings and existing facilities at the sports club. It is not felt that this would conserve the appearance of the AONB. In this respect the position has not changed since a similar application was refused by the Local Planning Authority in 2011.

Therefore it is considered that on balance, the proposal would not conserve or enhance the character and appearance of the High Weald AONB and for this reason, the application cannot be supported.

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## APPENDIX A – REASONS FOR REFUSAL

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the proposal conflicts with policy DP16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan and paragraph 172 of the NPPF.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan			05.06.2020
Block Plan			12.05.2020
Proposed Sections	CH-401		12.05.2020
Proposed Roof Plan	CH-403		12.05.2020
Proposed Roof Plan	CH-402		12.05.2020
Proposed Floor and Elevations Plan	WWC/24/101A		12.05.2020

## **APPENDIX B – CONSULTATIONS**

### **Highway Authority**

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

#### Summary

This proposal is for the change of use from agricultural to sports field and erection of a yurt. The site is located on Saint Hill Road, a C-classified road subject to national speed limit in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

#### Content

The applicant proposes no alterations to the existing access arrangement. There are no apparent visibility issues at the access onto Saint Hill Road. Considering the potential of the existing use, and that the yurt will replace temporary shelters/structures, the LHA does not anticipate that this proposal would give rise to a material intensification of movements to or from the site. Furthermore, from inspection of local mapping, there is ample parking provision on site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

#### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

### **Ecological Consultant**

#### Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

A minimum buffer of 15m shall be maintain adjacent to ancient woodland within which no pesticides, herbicides or fertilizers shall be applied.

Reason: To prevent negative impacts on biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.

#### Comments

Further to additional information provided by the applicant regarding my previous queries regarding the proposed change of use to sports field, I offer the following advice.

The comments on the grassland being re-seeded in 2008 are supported in part by historic aerial imagery which shows a large proportion of the area being bare soil around this time. Assessment of the remaining portion from aerial imagery and consideration of the management it has clearly been subject to suggests that the remainder is improve and of low conservation value.

I note that it is not proposed to light the sports field, which addresses this issue.

I note the intention to maintain a 10m buffer between the edge of the ancient woodland and any fertilizer use. Research indicates that a 10m buffer may be sufficient to avoid the most damaging impacts on woodland associated with adjacent agricultural use of herbicides and fertilizers, but that impacts on sensitive species have been shown as far as 12 m. Whilst the minimum 15m ancient woodland buffer required by Policy DP37 is not designed specifically with spray and fertilizer drift in mind, it does serve the purpose of keeping an adjacent strip of land as natural as possible / preventing further intensive land use to protect edge habitats and species using woodland edges such as bats, that rely on invertebrate diversity which is negatively associated with the use of agrochemicals; it would also provide a safety margin over the maximum distances for effects found in the study cited. Therefore, if consent is granted, I would recommend a condition prohibiting application of fertilizers or pesticides within 15m of the ancient woodland.

#### **Leisure Officer**

Thank you for the opportunity to comment on the planning application for a change of use from agricultural to a sports field with the erection of a yurt at East Grinstead Sports Club. The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.

#### **Environmental Protection Officer**

I have no objection to this application.